This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

Author and Title

Wisconsin. Laws, statutes, etc.
Wisconsin session laws.

Call Number	Volume	Copy
KFW 2425 A223	1873	

THIS BOOK DOES NOT CIRCULATE
OUTSIDE THE BUILDING

NAME	LOCATION

Wisconsin. Laws, statutes, etc.
Wisconsin session laws.

KFW vol
2425 1873
A223

Wisconsin. Laws, statutes, etc.
" Session laws,

THE

LAWS OF WISCONSIN,

PASSED BY THE

LEGISLATURE IN THE YEAR 1873,

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

Published by Authority.

MADISON, WIS.:
ATWOOD & CULVER, PRINTERS AND STEREOTYPERS.
1873.

1 0 1970

LIST OF MEMBERS AND OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of the laws hereafter published the names and residences of the several state officers, the senators and members of the assembly, and the presiding officers and clerks of both branches of the legislature, at the time of the passage of such laws."—*General Laws of* 1854, *Chapter* 94.

NAMES AND RESIDENCES

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		POST OFFICE.	COUNTY.
C. C. Washburn	Governor	Madison	Dane.
*M. H. Pettit	Lieut. Governor ...	Kenosha	Kenosha.
Charles J. Martin ..	Private sec. gov....	Madison	Dane.
Ll. Breese	Sec'y of State	Portage	Columbia.
John S. Dean	Ass't sec. of state ..	Madison	Dane.
Henry Bætz	State Treasurer ...	Manitowoc	Manitowoc.
William Ketcham ..	Ass't state treas. ...	Richland City .	Richland.
Stephen S. Barlow ..	Attorney General ..	Kilbourn City .	Columbia.
P. L. Spooner	Ass't att'y gen'l ...	Madison	Dane.
Samuel Fallows	State Superintend't	Milwaukee	Milwaukee.
J. B. Pradt	Ass't state sup't....	Madison	Dane.
George F. Wheeler..	State Prison Comr	Nanaupa	Fond d' Lac
Ole C. Johnson.....	Com'r of Immigra'n	Milwaukee	Milwaukee.
O. M. Conover	State Librarian ...	Madison	Dane.
A. A. Meredith	Sup't Pub. Prop'ty.	Madison	Dane.
DIST.			
12 Bacon, Orrin ...	Senator.....	Monticello	Green.
5 Baker, Robert H.	....do	Racine	Racine.
10 Blair, William ..	....do	Waukesha	Waukesha.
32 Brown, Orlando .	....do	Modena	Buffalo.
13 Burchard, S. D...	....do	Beaver Dam ..	Dodge.
11 Campbell, Fr'ncis	....do	Gratiot	LaFayette.
3 Cotzhausen, F. W.	....do	Milwaukee	Milwaukee.

*Deceased.

NAME.	OFFICE.	RESIDENCE.	
		POST OFFICE.	COUNTY.
DIST.			
17. Davis, Horatio N	Senator	Beloit	Rock.
26. Davis, R. E.	do	Middleton	Dane.
28. Eaton, Henry L.	do	Lone Rock	Richland.
23. Greene, Walter S.	do	Milford	Jefferson.
18. Hiner, Wm. H.	do	Fond du Lac	FondduLac
31. Hixon, G. C.	do	La Crosse	La Crosse.
16. Holloway, J. C.	do	Lancaster	Grant.
24. Irish, Joseph E.	do	Hudson	St. Croix.
7. Johnson, John A.	do	Madison	Dane.
27. Jones, Evan O.	do	Cambria	Columbia.
22. Kreiss, Geo	do	Appleton	Outagamie.
2. Lindsley, M. P.	do	Green Bay	Brown.
9. Little, Francis	do	Mineral Point	Iowa.
6. Mitchell, John L.	do	Milwaukee	Milwaukee.
21. McCord, M. H	do	Shawano	Shawano.
19. McCurdy, Robt.	do	Oshkosh	Winnebago.
4. Nelson, William.	do	Viroqua	Vernon.
1. O'Rourk, P. H.	do	Cascade	Sheboygan.
8. Pratt, Samuel	do	Spring Prairie.	Walworth.
25. Potter, Robt. L. D.	do	Wautoma	Waushara.
14. Quimby, John B.	do	Sauk City	Sauk.
33. Schantz, Adam	do	St. Lawrence	Washingt'n
15. Schmidt, Carl H.	do	Manitowoc	Manitowoc.
29. Scott, Thomas B.	do	Grand Rapids	Wood.
30. Thorp, Joseph G.	do	Eau Claire	Eau Claire.
20. Wagner, Joseph.	do	Calvary	FondduLac
Allen, James H	Member of Assembly.	Sparta	Monroe.
Armstrong, Wm. H	do	Darlington	La Fayette.
Bardwell, Sherman	do	Plainfield	Waushara.
Barron, Henry D	do	St. Croix Falls.	Polk.
Bartlett, Wm. P	do	Eau Claire	Eau Claire.
Bartran, Wm. H	do	Flintville	Brown.
Becher, John A	do	Milwaukee	Milwaukee.
Becker, Moritz N	do	Milwaukee	Milwaukee.
Bleekman, A. E	do	Tomah	Monroe.
Bodenstab, Julius	do	Howard's Grove	Sheboygan.
Brace, Henry C	do	Fall River	Columbia.
Brannan, Samuel S	do	Portage	Columbia.
Button, Seth W	do	Trempealeau	Trempeal'u
Cady, Chas. A	do	Dell Prairie	Adams.
Caldwell, Columbus	do	Lind	Waupaca.
Chamberlin, Chas. E.	do	Ozaukee	Ozaukee.
Cheever, Dustin G	do	Clinton	Rock.
Clark, Satterlee	do	Horicon	Dodge.
Clements, David R.	do	Stevens Point	Portage.
Clise, Wm. H	do	Lancaster	Grant.
Cornwall, Hiram H.	do	Verona	Dane.
Curtis, Joseph S	do	Green Bay	Brown.
Daane, Peter, Jr	do	Ootsburg	Sheboygan.
Davis, John W	do	Fox Lake	Dodge.
Davis, Orsamus S	do	Cato	Manitowoc.
Devy, Patrick	do	Watertown	Jefferson.
Dewane, Denis	do	Cooperstown	Manitowoc.
Douglass, Carlos L.	do	Walworth	Walworth.
Doyle, Peter	do	Prairie duChien	Crawford.
Elkins, John	do	Racine	Racine.

NAME.	OFFICE.	RESIDENCE.	
		POST OFFICE.	COUNTY.
Evans, John M.	Member of Assembly	Evansville	Rock.
Farr, Asahel	do	Kenosha	Kenosha.
Fay, Truman M.	do	Byron	FondduLac
Felt, Eugene K.	do	Beloit	Rock.
Foote, Apollos D.	do	Berlin	Green Lake
Foster, Carlton	do	Oshkosh	Win'ebago.
Fuller, Wilfred C.	do	Waupun	FondduLac
Fulton, David C.	do	Hudson	St. Croix.
Gibbs, Chas. R.	do	Whitewater	Walworth.
Gnewuch, Ferdinand	do	Watertown	Jefferson.
Houghton, Horace E.	do	Durand	Pepin.
Hubbell, Richard W.	do	Oconto	Oconto.
Hutchinson, Chris'tr.	do	Beetown	Grant.
James, Norman L.	do	Richland Centre	Richland.
Jerman, Peter	do	Rising Sun	Crawford
Kellogg, Jno	do	Reedsburg	Sauk.
Kelsey, Chas. S.	do	Montello	Marquette.
Kerl, Otto	do	Cross Plains	Dane.
Lees, Robert	do	Gilmantown	Buffalo.
Leland, Frank	do	Elkhorn	Walworth.
Lewis, Renssalaer M.	do	Fond du Lac	FondduLac
Loper, Alonzo A.	do	Ripon	FondduLac
Luchsinger, Jno.	do	New Glarus	Green.
Lynch, Thomas	do	Chilton	Calumet.
McConnell, Thomas.	do	Winneconne	Winn'bago.
McGrath James	do	Milwaukee	Milwaukee.
McMillan, Alex.	do	La Crosse	La Crosse.
Merritt, Edward E.	do	Neillsville	Clark.
Monteith, Jno.	do	Fennimore	Grant.
Nichols, Henry F. C.	do	New Lisbon	Juneau.
Ostrander, James W.	do	Jefferson	Jefferson.
Palmer, Henry L.	do	Milwaukee	Milwaukee.
Parks, Francis G.	do	Eagle	Waukesha.
Patterson, Henry A.	do	Janesville	Rock.
Persons, James H.	do	Plum City	Pierce.
Plumer, Daniel L.	do	Wausau	Marathon.
Porter, Jno. L.	do	Pacific	Columbia.
Pound, Albert E.	do	Chippewa Falls	Chippewa.
Puhlman, Otto	do	Plymouth	Sheboygan.
Putnam, Geo. W.	do	Ash Ridge	Richland.
Rankin, Joseph	do	Manitowoc	Manitowoc.
Rhoda, David	do	Oconomowoc.	Waukesha.
Rich, Corydon L.	do	Shiocton	Outagamie.
Richards, Richard	do	Racine	Racine.
Robinson, Wm.	do	Mineral Point	Iowa.
Roemer, Jno. A.	do	Appleton	Outagamie.
Rowe, Wm. E.	do	Arena	Iowa.
Runkel, Jno.	do	Lowell	Dodge.
Sander, Jacob	do	Milwaukee	Milwaukee.
Sanger, Casper M.	do	Milwaukee	Milwaukee.
Sawyer, Hiram W.	do	Hartford	Wash'ngtn.
Sayre, David F.	do	Fulton	Rock.
Seaman, Galen B.	do	Milwaukee	Milwaukee.
Short, Dennis	do	Theresa	Dodge.
Stebbins, De Wayne.	do	Ahnepee	Kewaunee.
Steinfort, Casper H,	do	Lake Mills	Jefferson.
Stemper, Jno. B.	do	Milwaukee	Milwaukee.

NAME.	OFFICE.	RESIDENCE.	
		POST OFFICE.	COUNTY.
Stephens, Thos. G...	Member of Assembly	Hazel Green...	Grant.
Tate, J. Henry.....	.....do.....	Viroqua.....	Vernon.
Thornton, Oliver W.	.....do.....	Marshall.....	Dane.
Tobin, Thomas.....	.....do.....	FiveMile House	Milwaukee
Van Schaick, I. W...	.....do...	Milwaukee....	Milwaukee
Vilas, Levi B.....	.....do.....	Madison.....	Dane.
Wall, Thomas.....	.....do.....	Oshkosh.....	Winnebago
Weil, Baruch S.....	.....do.....	Schleisingerv'e.	Washingt'n
Weiss, Gottlob E....	.....do.....	Milwaukee,...	Milwaukee
Wood, Alson.....	.....do.....	Waukau.....	Winnebago
Young, John.....	.....do.....	Black Hawk...	Sauk.
Zimmerman, Adolph	.....do.	Mequon River.	Ozaukee.
Zorn, Chas. R.....	.....do.....	Kiel.....	Manitowoc
*Milton H. Pettit...	Lt. Gov. & Pres. Sen.	Kenosha.....	Kenosha.
Henry L. Eaton.....	Pres. Senate *pro tem*	Lone Rock....	Richland.
Henry D. Barron....	Speaker of Ass'bly.	St. Croix Falls.	Polk.
James H. Waggoner	Chief Clerk Senate.	Richland Cent'r	Richland.
Sid. A. Foster.....	Ass't Clerk Senate..	Durand.....	Pepin.
E. W. Young.....	Chief Cl'k Ass'bly.	Prairie du Sac.	Sauk.
Fred. A. Dennett....	Ass't Cl'k Assembly	Sheboyg'n Falls	Sheboygan.

NOTE.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and enclosed in parenthesis, (*thus.*) Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus.]

*Deceased.

LAWS OF WISCONSIN.

CHAPTER 1.

[*Published January* 29, 1873.]

AN ACT to amend section one of chapter two of the general laws of 1869, entitled "an act to regulate the time for holding the general terms of the circuit court for the sixth judicial circuit."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two of the general laws of the state of Wisconsin, for the year 1869, is hereby amended by striking out the words, "on the first Tuesday of March," where said words appear in the third and fourth lines of said section, and inserting in lieu thereof, the words, "on the fourth Tuesday of February," so that part of said section one of said chapter shall read: The general terms of the circuit court for the sixth judicial circuit shall hereafter be held as follows: In the county of Clark on the fourth Tuesday of February and the first Tuesday of September in each year." Amended. Terms for Clark county.

SECTION 2. All acts or parts of acts conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force after its passage and publication.

Approved January 16, 1873.

CHAPTER 2.

[*Published January* 29, 1873.]

AN ACT to amend an act entitled, "an act to incorporate the city of Eau Claire," approved March 2, 1872.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section thirty-three of chapter eleven of said act is hereby amended by adding the following: "*and it is further provided*, that said bridge already constructed, and now in use, shall be and remain a toll bridge, until the receipts of toll thereon shall have equalled the amount of said city bonds, so issued as in this section provided, together with the interest thereon, after deducting the cost of collecting said tolls, and the cost of all repairs on said bridge authorized by the common council of said city."

Shall remain a toll bridge.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 16, 1873.

CHAPTER 3.

[*Published January* 29, 1873.]

AN ACT to provide for holding a special town meeting in the town of Waterloo, in the county of Jefferson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May call special meeting.

SECTION 1. The chairman of the board of supervisors of the town of Waterloo, in the county of Jefferson, is authorized to call a special town meeting to be held at such place in said town, and at such time as the said chairman of the town board may designate, to take into consideration the propriety of employing counsel to represent the town, and protect its interests in the suit now pending in the supreme court of the United States against the said town of Waterloo, and in such other

suits, if any, as may be hereafter commenced against said town on account of any liability therein incurred prior to the incorporation of said village of Waterloo in which meeting the inhabitants of the village of Waterloo are hereby authorized to participate and vote, in the same manner, and to like extent as they might or could have done if said village had not been incorporated and separated from said town. The chairman of the said town board shall give notice of the time and place of holding such meeting, by posting up a notice thereof, to be signed by him, in three of the most public places in said town, and also in three of the most public places in said village of Waterloo, at least ten days before the time fixed for such meeting, and a copy of such notice shall be deposited in the office of the town clerk of said town, and shall be recorded at length in the records thereof. The meeting hereby authorized to be held shall, when assembled, be conducted as other town meetings in said town are required by law to be conducted.

Shall give notice of meeting.

SECTION 2. This act shall be published as soon as passed, and shall take effect and be in force from and after its passage.

Approved January 22, 1873.

CHAPTER 4.

[*Published January* 29, 1873.]

AN ACT to authorize the city of Manitowoc to borrow money for the purpose of building a bridge.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of aldermen of the city of Manitowoc are hereby authorized to borrow such sum or sums of money, not to exceed in the aggregate the sum of twenty thousand dollars, at such times as said board of aldermen may deem necessary, for the purposes hereinafter specified, and at the rate of interest not to exceed ten per cent. per annum.

May borrow money.

SECTION 2. For the sum or sums of money so borrowed, the said board of aldermen may cause city orders or city bonds to be issued, which orders or

May issue bonds—how executed.

bonds shall be signed by the mayor of said city and the city clerk, and be in such denominations as may be thought best by the said board of aldermen, and shall specify the time when each such order or bond shall become due and payable: *provided, however*, that no such order or bond shall be issued for a longer term or period than five years after the date of issue. Such orders or bonds shall have interest coupons attached thereto for the interest falling due thereon in each year, and such coupons shall be taken in payment for city taxes, in such years in which such coupons may become due and payable.

Interest coupons.

For what purpose moneys to be used.

SECTION 3. The moneys so borrowed shall be used only for the purpose of building a draw-bridge across the Manitowoc river, in said city of Manitowoc, at a place where Eighth street crosses said Manitowoc river.

Not to be used for repairs.

SECTION 4. No money borrowed under the provisions of this act shall be used for the purpose of repairing bridges or paying interest or principal on the orders or bonds issued under the provisions of this act, or principal or interest on any other indebtedness said city may have contracted or may hereafter contract, or for any other purpose whatsoever, except as specified in section three of this act.

Not to be re-issued.

SECTION 5. No order, bond or coupon issued under the provisions of this act, and paid by the city treasurer, shall be re-issued, nor shall new orders, bonds or coupons be issued for those which have been paid, cancelled and destroyed.

SECTION 6. All acts and parts of acts, so far as they conflict with the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect from and after its passage.

Approved January 22, 1873.

CHAPTER 5.

[*Published January* 30, 1873.]

AN ACT to legalize the official acts of the overseer of road district number two, and the official acts of the clerk and treasurer in relation to the assessment and collection of taxes in the village of Fountain City, county of Buffalo, for the year 1872.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The return of delinquent taxes by the overseer of road district number two of the village of Fountain City in the county of Buffalo, for the year 1872, and the official acts of the clerk and treasurer of said village of Fountain City, in relation to the assessment and collection of taxes for the same year, are hereby legalized and declared valid. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 29, 1873.

CHAPTER 6.

[*Published January* 30, 1873.]

AN ACT to appropriate a sum of money therein named for the use of the Hospital for the Insane at Madison, for the payment of current expenses and repairs from January 1st, 1873, to February 1st, 1874, and for permanent improvements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the general fund, not otherwise appropriated, the sum of eighty-five thousand eight hundred and twenty-two dollars, in full for the following purposes at the Hospital for the Insane at Madison, viz: For the payment of current expenses and ordinary repairs from January 1st, 1873, to February 1st, 1874, fifty-three thousand, nine hundred and forty-seven dollars; for repairs on laundry and boiler rooms and addi- Appropriated

tions thereto, including new coal-house and smoke stack, twenty-five thousand, eight hundred and seven ty-five dollars; for carpenter and workshop, two thou sand and five hundred dollars; for hose and connec tions, one thousand and five hundred dollars, and fo increasing the supply of water, two thousand dollars.

To be drawn quarterly.

SECTION 2. All sums for current expenses and or dinary repairs shall be drawn from the treasury no oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved January 29, 1873.

CHAPTER 7.

[*Published January* 30, 1873.]

AN ACT to appropriate a sum of money therein named, for the use of the Northern Hospital for the Insane at Oshkosh, fo the payment of current expenses from February 1st, 1873, t February 1st, 1874, and for improvements.

The people of the state of Wisconsin, represented in senat and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out o any money in the general fund not otherwise appro priated, the sum of fifty thousand dollars in full for the following purposes at the Northern Hospital for the Insane at Oshkosh, viz.: For the payment of cur rent expenses from February 1st, 1873, to Februay 1st 1874, forty-five thousand dollars; for improvement o grounds, garden and orchard, farm-stock, implements etc., and vehicles for Hospital, five thousand dollars.

To be drawn quarterly.

SECTION 2. All sums for current expenses shall be drawn from the treasury not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved January 29, 1873.

CHAPTER 8.

[*Published February* 3, 1873.]

AN ACT to provide for the purchase of sundry copies of Taylor's Compilation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized to purchase for the use of the state, such number of copies of the statutes of Wisconsin, as compiled by David Taylor, not exceeding one hundred, as may be necessary for the use of the legislature, upon such terms and conditions as may be most advantageous to the state. **May purchase Taylor's Compilation.**

SECTION 2. The sum of six hundred and seventy-five dollars is hereby appropriated from the state treasury in order to carry out the provisions of this act. **Appropriated.**

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved January 30, 1873.

CHAPTER 9.

[*Published February* 1, 1873.]

AN ACT to legalize the action of the supervisors of the towns of Ettrick and Gale, in the county of Trempealeau, in the alteration and division of joint school district number six of said towns, and the formation by the town of Ettrick of school district number nine of said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The action and proceedings of the town board of supervisors of the towns of Ettrick and Gale, in Trempealeau county, in the alteration and division of joint school district number six of said towns, and the action and proceedings of the town board of supervisors of the town of Ettrick, in said county, in the **Action and proceedings legalized.**

formation of school district number nine of said tow are hereby in all respects legalized, and declared to b in all respects legal and valid, and it is hereby declare that the order of said board of supervisors of th town of Ettrick for the formation of said scho district number nine of said town took effect for a purposes on the twenty-eighth day of October, 187 when the same was filed in the town clerk's office c said town, notwithstanding the omission of the officer of the school district from which the territory wa taken, to endorse their consent upon such order, an all subsequent proceedings, both of said district num ber nine, and of the district from which its territory wa taken, including the election of officers, the voting c money and the levy of taxes therein are all hereby l galized and declared to be valid and binding, and i shall be lawful for the treasurer of said town to colle all school district taxes for said district which hav been entered upon the tax list or roll of said town, i the same manner that other school district taxes are b law collected, notwithstanding any errors or omission in the original formation or organization of said scho district.

SECTION 2. This act shall take effect and be i force from and after its passage.

Approved January 31, 1873.

CHAPTER 10.

[*Published February* 6, 1873.]

AN ACT to appropriate a sum of money therein named for th use of the Industrial School for Boys, for the payment of cu rent expenses from January 1st, 1873, to February 1st, 187 and for permanent improvements.

The people of the state of Wisconsin, represented in sena and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out c any money in the treasury not otherwise appropriate the sum of sixty-four thousand, five hundred dollars, fc the use of the Industrial School for Boys, in full fc the following purposes, viz: For the payment c current expenses from January 1st, 1873, to Februar 1st, 1874, thirty-seven thousand dollars; for permane

improvements, twenty-seven thousand, five hundred dollars.

SECTION 2. All sums for current expenses shall be drawn from the treasury not oftener than quarterly in advance. To be drawn quarterly.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved February 4, 1873.

CHAPTER 11.

[*Published February* 6, 1873.]

AN ACT for the relief of the assessors of certain towns in the county of Dane.

WHEREAS, The assessors of certain towns in the county of Dane, owing to a misunderstanding of the provisions of chapter sixty-seven of the general laws of 1871, failed to make out and return to the office of the town clerk a list of the names of persons owning or keeping dogs; and Preamble.

WHEREAS, The assessors thus delinquent are threatened with prosecution for such neglect or failure; therefore, for the purpose of relieving the assessors thus in default,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The assessors in each and every town in Dane county, Wisconsin, who have failed or neglected to comply with the provisions of chapter sixty-seven of the general laws of 1871, in whole or in part, are hereby authorized and required, within twenty days after the passage and publication of this act, to make out and return to the office of the town clerk of their several towns, a list of the names of every person owning or keeping any dog or dogs in said town, as provided in chapter sixty-seven of the general laws of 1871. Shall make return of persons owning dogs.

SECTION 2. Upon receiving the list provided for in the first section of this act, it shall be the duty of the How clerk to proceed.

town clerk to immediately proceed to discharge the duties imposed upon him by section two of chapter sixty-seven of the general laws of 1871.

How treasurer to proceed.

SECTION 3. Upon the receipt of the list made by the town clerk, it shall be the duty of the town treasurer, to whom such list shall be delivered, to proceed immediately to collect the tax imposed, and to pay the same out in accordance with the provisions of section three of said chapter sixty-seven, general laws of 1871.

Penalty for non-performance.

SECTION 4. Any officer who shall refuse or neglect to perform the duties prescribed by this act shall be punished as provided in section seven of chapter sixty-seven of the general laws of 1871.

SECTION 5. This act shall take effect and be in force from and after the passage and publication thereof.

Approved February 5, 1873.

CHAPTER 12.

AN ACT to provide for the improvement of Yellow river for log driving purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May collect tolls.

SECTION 1. For the purpose of improving that branch of the Chippewa river known as Yellow river so as to facilitate and insure the driving and floating of logs and timber down and out of said river, it is hereby provided and enacted; That any person, association, company or corporation, their successors or assigns, who shall have improved said Yellow river, by clearing and straightening its channel, closing sloughs, erecting side, rolling and flooding dams, and shall keep in repair and operate the same so as to render the floating and driving of logs and timber down and out of said river practicable and reasonably certain, shall be entitled to receive and collect for such service and expenditure the following tolls, to wit: For and upon all logs and timber put in said river not more than twenty miles from its mouth designed to be run out of the same, ten cents per one thousand feet, board measure; for and upon all logs and timber put in said river within a distance of fifty miles, and more than twenty [miles] of its mouth, designed to be run out of the same, twenty

Rates of tolls.

cents per thousand feet; for and upon all logs and timber put in said river beyond a distance of fifty miles from its mouth, designed to be run out of the same, twenty-five cents per thousand feet, the distance to be computed by the channel of the river, and the amount of said logs and timber to be determined by or under the direction of the lumber inspector for that district, or by the mutual agreement of parties: *provided*, that such person, association, company or corporation, having undertaken the improvement of said river for the purposes herein stated, shall not be entitled to receive tolls as hereinbefore provided, until at least ten thousand dollars shall have been expended on said improvements by such party or parties.

May take possession of logs and timber.

SECTION 2. It shall be lawful for any person, association, company or corporation, their successors or assigns, having improved said Yellow river as provided in section one of this act, to take possession of all logs and timber put in said river to be floated down and out of the same, the owners or agents of which shall not have made adequate provisions for driving, by furnishing all necessary tools, men, teams and provisions for breaking roll-ways at the proper time, and making a thorough drive of said logs out of said river without hindering the main drives, and to drive the same down and out of said river, and to receive and collect for such service for all logs and timber driven a distance of twenty miles or less, twenty cents for each thousand feet; for all logs and timber driven more than twenty and less than fifty miles, forty cents for each thousand feet; for all logs and timber driven more than fifty and less than seventy-five miles, sixty cents for each thousand feet, and for all logs and timber driven seventy-five miles or more, seventy-five cents for each thousand feet, board measure, the distance of driving to be computed and the amount of logs so driven to be determined in the same manner as provided in section one of this act.

May drive the same and rates for driving.

May have lien for tolls and charges.

SECTION 3. For any tolls or charges as herein provided, which shall remain due and unpaid, the party to whom such tolls or charges shall be owing, shall have a lien on all logs upon which such tolls or charges or any part thereof shall remain unpaid, and on all other logs on said river owned by the party from whom such tolls or charges are due, and may enforce the same in the same manner as other liens for labor and supplies are enforced by law.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 5, 1873.

CHAPTER 13.

[*Published February* 6, 1873.]

AN ACT to amend section two of chapter one hundred and forty-four, general laws of 1872, entitled an act for the organization of corporations for manufacturing and other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section two of chapter one hundred and forty-four of general laws of 1872, is hereby amended by inserting after the words, ten thousand dollars, where they occur in said section two, the words, "except associations formed for the purpose of manufacturing cheese and other products of the dairy, which associations may be incorporated under the provisions of this chapter, with a capital stock of not less than two thousand dollars," so that said section two of general laws of 1872, chapter one hundred and forty-four, will read as amended as follows: The persons so desiring to associate together and to form a corporation shall enter into written articles of association to be signed by them and acknowledged before an officer authorized to take the acknowledgment of deeds, stating distinctly the purposes for which such corporation is organized, the amount of capital stock of the same, which shall in no case be less than ten thousand dollars; except associations which may be formed for the purpose of manufacturing cheese and other products of the dairy, which associations may be incorporated under the provisions of this chapter, with a capital stock of not less than two thousand dollars; the number of shares into which the same shall be divided, the number of directors, and the officers by which the affairs of the corporation shall be managed and conducted, the corporate name by which the same is to be known, the place where the business of such corporation shall be carried on, and such other matters and provisions, not in conflict with the constitution and laws of this state or of the United States, as they may deem proper and shall agree upon, and shall file the same in the office of the secretary of state, where the same shall be recorded.

Capital of Cheese Manufactories.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved February 5, 1873.

CHAPTER 14.

[*Published February* 12, 1873.]

AN ACT to repeal sections twenty-five, twenty-six and thirty of chapter six of the revised statutes, and sections fifteen, sixteen, seventeen and eighteen of chapter one hundred and fourteen of the general laws of 1858, relating to the classification and publication of the laws, journals and other documents, and to define the duties of the secretary of state relating to the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Sections twenty-five, twenty-six and thirty of chapter six of the revised statutes, and sections fifteen, sixteen, seventeen and eighteen of chapter one hundred and fourteen of the general laws of 1858, are hereby repealed.

How laws to be designated, numbered and bound.

SECTION 2. The laws passed at each and every session of the legislature, from and after the passage of this act, shall be designated under one general name of "the laws of Wisconsin," and shall be numbered by the secretary of state in consecutive chapters as they are received from the governor, without reference to the subject matter of said laws, and shall be printed and bound in one volume, except when the number of pages shall exceed twelve hundred, in which case they shall be bound in two volumes, as nearly equal in size as may be; each volume to be indexed separately, and to be entitled volume one and volume two, respectively.

Size of pages fixed.

SECTION 3. The laws and journals, messages of the governor, reports of state officers and commissioners of school and university lands, reports of committees of the legislature, and all other documents required by the legislature, or any department of the state, or any other document, the printing of which shall be authorized by law, to be hereafter printed, shall be of uniform size, and every full page of printed matter shall be of the width of four inches, and of the length of seven and a quarter inches, so as to admit of their being bound together in a compact form.

Number of copies to be printed.

SECTION 4. Ten thousand copies of the laws passed at each session of the legislature, including the joint resolutions and memorials, shall be printed and bound by the state printer, on good book paper, five hundred copies to be bound in full sheep, and the remainder in

half binding with sheep backs, to be distributed as provided by law for the distribution of the general laws.

Shall be compared and certified.

Each act, as it is printed, shall be compared by the secretary of state with the original enrolled act, and at the end of the volume or volumes, the said secretary of state shall annex his certificate, certifying that he has compared the printed copy with the original enrolled act, and that it appears to be correctly printed.

What acts to be published in official state paper.

SECTION 5. Every act of general application, and all acts affecting counties, towns, cities, villages and school districts, public roads, highways and bridges, and the taxes to be raised therein or therefor, and all acts for the preservation of fish or of game, shall, before they shall take effect, be published in the official state paper, and such publication shall be made immediately after the passage and approval of the said acts; the said publication to be under the direction and supervision of the secretary of state. All acts affecting only individuals, private corporations and societies, shall take effect without such publication, unless it shall be specially provided in such acts that they shall be published before they shall take effect, and their publication in the official state paper, in such case, shall be specially ordered.

Secretary of state to furnish copies of laws; state printer to print.

SECTION 6. The secretary of state shall furnish for the official state paper, copies of all laws required to be published, immediately after passage, and at the close of every session of the legislature, he shall also furnish for the state printer, copies of all the laws passed at said session, with an index and marginal or head notes, thereto attached, together with all the joint resolutions and memorials approved by the governor, and the said state printer shall print the said laws, resolutions and memorials, with all possible dispatch, but in the publication and printing of the said laws, resolutions and memorials, the signatures of the officers affixed to the enrolled act, resolution or memorial, shall be omitted, and the date of approval only shall be affixed thereto.

Journals of each house to be printed and bound.

SECTION 7. There shall be printed on good book paper, and bound in half binding, with sheep backs, by the state printer, five hundred copies of the journals of each house of the legislature, to be delivered to the secretary of state, and to be by him distributed as provided by law.

SECTION 8. All provisions of law in any way conflicting with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved February 10, 1873.

CHAPTER 15.

[*Published February* 12, 1873.]

AN ACT relating to actions concerning real estate, and amendatory of chapter one hundred and forty-six, revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and forty-six of the revised statutes of Wisconsin, is hereby amended by adding thereto, what shall be known as section nineteen, and reading as follows: If the plaintiff in an action relative to real estate, or to quiet title thereto, cannot ascertain who are proper persons or parties to make defendants as to any tract or parcel of land described in the complaint, or if any parties having an interest in any such lands are unknown, and such facts be made to appear by affidavit, an order may be made by the court or the judge thereof, county judge or court commissioner, containing a description of the premises embraced within the suit, and requiring all parties interested to appear and answer the complaint, by a day in such order to be specified; which order shall be served personally, or shall be published once in each week successively, in such paper as may be designated in such order, and for such time as the court shall designate, not less than six weeks and not exceeding three months. The proof of personal service, or of the publication of such order, shall authorize the court to proceed to final judgment against all such unknown parties and persons not resident in this state or not found therein, as shall not appear and answer by the day mentioned in the order, or on such further day as the court may appoint, in the same manner as provided in other cases of failure to answer the complaint; and all such unknown parties as may appear shall be entitled to be made parties to the action, and the complaint may be amended accordingly.

Amended.

Shall make an order containing description of lands.

Upon proof of service of order, judgment may be entered.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 10, 1873.

CHAPTER 16.

[*Published February* 12, 1873.]

AN ACT to appropriate a sum of money therein named for the use of the Institute for the Education of the Blind, for the payment of current expenses from February 1st, 1873, to February 1st, 1874, and for the purchase of land.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of twenty thousand, seven hundred and fifty dollars, in full, for the use of the Institute for the Education of the Blind, from February 1st, 1873, to February 1st, 1874, viz: for current expenses, twenty thousand, five hundred dollars, and for the purchase of land, two hundred and fifty dollars.

To be drawn quarterly.

SECTION 2. All sums for current expenses shall be drawn from the treasury not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved February 10, 1873.

CHAPTER 17.

[*Published February* 12, 1873.]

AN ACT authorizing the commissioners of school and university lands to loan twenty-five thousand dollars to the board of education of the city of Madison, and the board of education of the city of Madison, to borrow the same of said commissioners, and providing for the payment of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May loan portion of trust funds.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan at their discretion a portion of the trust funds of this state, not exceeding the sum of twenty-five thousand dollars, to the board of education of the city of Madison, and said board of education is hereby authorized to borrow a sum not exceeding the amount above named, of said

commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent per annum, and said interest shall be paid annually, together with one-fifth of the principal sum till the whole is paid.

Shall levy tax to pay interest.

SECTION 2. At the time and in the manner provided in the city charter, for levying taxes for city purposes, the common council of the city of Madison shall levy the amount of money required for the payment of the annual interest, and one-fifth of the principal sum loaned by the commissioners of school and university lands to the board of education of the city of Madison, as provided in the preceding section of this act.

Board of education to certify amount; treasurer to collect.

SECTION 3. It shall be the duty of the board of education, in or prior to the month of September, 1873, and annually thereafter till the said indebtedness is fully paid, to certify to the common council of the city of Madison, the amount requisite to meet the annual payment to the commissioners of school and university lands as hereinbefore provided. The treasurer of the city of Madison shall collect such sum and pay the same over to the treasurer of the board of education of said city, on or before the first day of April in each year, and the treasurer of said board of education shall pay the same to the commissioners of school and university lands, at or before the time the same shall become due.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect from and after its passage.

Approved February 10, 1873.

CHAPTER 18.

[*Published February* 12, 1873.]

AN ACT to repeal chapter fifteen of the private and local laws of 1872, entitled an act to authorize the city of Fond du Lac to provide for markets and a city hall.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter fifteen of the private and local laws of 1872, entitled an act to authorize the city of Fond du Lac to provide for markets and a city hall, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 10, 1873.

CHAPTER 19.

AN ACT to authorize Abel Neff and Samuel Neff to keep and maintain a bridge across Wolf river, at the village of Fremont, in Waupaca county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May construct and maintain toll bridge.

SECTION 1. Albert Neff and Samuel Neff, their heirs, assigns and legal representatives, are hereby authorized and empowered to construct and maintain a toll bridge across the Wolf river, at the village of Fremont, in the county of Waupaca, connecting the highway heretofore laid out to the west bank of said river, at the foot of the main street of said village, with the highway laid out to the east bank, being the main traveled highways leading to said river, and opposite, or nearly opposite, at their respective termini; said bridge to be built of such material and of such size and dimensions, and upon such plan as may be directed by said Abel Neff and Samuel Neff, their heirs, assigns or legal representatives: *provided*, the said superstructure shall be at least four feet above high water mark, and that the same shall be a safe, permanent and durable bridge, sufficient to accommodate the public travel; that the two spans of sixty feet each, under said bridge shall not be obstructed with anything so as to prevent the running of logs, lumber or rafts under said bridge; *and provided further*, that said bridge shall have a draw of at least seventy feet in the clear for the passage of all steamers, boats, vessels, barges and rafts that may navigate said river; such draw to be properly turned at all times during the season of navigation at the expense of those owning or managing said bridge.

How bridge to be built.

May collect toll and the rates thereof.

SECTION 2. The said Abel Neff and Samuel Neff, their heirs, assigns and legal representatives, shall have the power and the legal right, immediately after the completion of said bridge, to demand, receive and collect tolls for passing over said bridge, at rates not exceeding the following: For any vehicle drawn by two horses, mules or oxen, twenty cents; for any vehicle

drawn by one horse or mule, fifteen cents; for horses and cattle in droves of ten or less, five cents a head; where the same are in droves of more than ten, three cents a head; sheep or hogs in droves of ten or less, three cents a head; if in droves of more than ten, two cents a head, and for each footman, five cents: *provided*, that foot passengers may have season contracts for passing over said bridge that shall not exceed one dollar and fifty cents.

Rates to be posted up.

SECTION 3. Said Abel Neff and Samuel Neff, their heirs, assigns, or legal representatives, shall keep posted up in a conspicuous place on said bridge the rates of toll established by them, not exceeding the rates allowed by this act.

Penalty for trespass.

SECTION 4. Any person who shall forcibly or fraudulently pass over the bridge authorized by this act, without paying the legal toll, shall be guilty of trespass, and shall, for each offense, forfeit the sum of five dollars to and for the use of the legal owners of said bridge, to be recovered with costs, as in other actions of trespass, in any court having competent jurisdiction.

When to be commenced and completed.

SECTION 5. The said Abel Neff and Samuel Neff, their heirs, assigns or legal representatives, shall commence the construction of said bridge as soon as practicable after the passage of this act, and the same shall be fully completed and ready for travel within two years from and after the passage of this act, or this charter shall be forfeited.

Continuation of act.

SECTION 6. If the conditions contained in this act are fully kept and performed, this act shall continue in full force and operation for the period of twenty years after the passage hereof, and no longer, unless sooner repealed.

SECTION 7. This act to take effect and be in force from and after its passage.

Approved February 10, 1873.

CHAPTER 20.

[*Published February* 13, 1873.]

AN ACT relating to appeals from justices' judgments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

On dismissal of appeal, papers to be transmitted to the justice.

SECTION 1. Whenever any party to a judgment rendered by a justice of the peace shall appeal to the circuit court of the proper county, and the appeal shall, for any reason, be dismissed, the clerk of the appellate court shall, as soon as may be after the time shall have expired to appeal from the order of dismissal, transmit all the papers in the case on said appeal to the justice from whose judgment the appeal was taken; and the said justice shall thereupon proceed to enforce the collection of said judgment in the same manner as though no appeal had been taken.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 11, 1873.

CHAPTER 21.

[*Published February* 13, 1873.]

AN ACT to appropriate a sum of money to the persons therein named, for services as visiting committee of the state, for the year 1872.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated, out of any money in the general fund not otherwise appropriated, for services rendered as the visiting committee of the state, for the year 1872, the sum of five hundred dollars ($500) in full to the following named persons: J. E. Irish, J. L. Mitchell, D. G. Cheever, C. S. Kelsey and Joseph Rankin, one hundred dollars each.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 11, 1873.

CHAPTER 22.

[*Published February* 13, 1873.]

AN ACT to appropriate to the superintendent of public property the sum of ten thousand dollars.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the superintendent of public property, out of any money belonging to the general fund, not otherwise appropriated, the sum of ten thousand dollars, being the amount estimated as necessary for the purchase of stationery for the use of the state officers and the legislature for the ensuing year. Appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 11, 1873.

CHAPTER 23.

[*Published February* 14, 1873.]

AN ACT to legalize the official acts of William John, assessor, and the official acts of the town board of equalization of the town of Gillett, Oconto county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The official acts of William John, assessor of the town of Gillett, in the county of Oconto, for the year 1872, and the official acts of the town board of equalization of said town for the same year are hereby legalized and declared valid. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1873.

CHAPTER 24.

[*Published February 14, 1873.*]

AN ACT to amend an act to revise, consolidate and amend the act to incorporate the city of Prescott, and the several acts amendatory thereof, approved March sixteenth, 1871.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Where printing may be done, and notices published.

SECTION 1. Whenever there shall not be a newspaper published in the city of Prescott, the common council of the city of Prescott may contract with the publisher of any newspaper published in the county of Pierce, to do the printing and publishing necessary to be done for said city of Prescott, and all ordinances, by-laws, rules, notices, proceedings or other publications required by the act of which this act is amendatory, or by the ordinances, by laws, rules, resolutions, orders or other proceedings of the common council of the city of Prescott, to be published, shall be published in the newspaper so contracted with by the said common council; and such publications, when made in such newspaper, shall have the same force and effect as if made in a newspaper published in the city of Prescott, and the affidavit of the publisher or foreman of such newspaper shall be conclusive evidence of the publication, and of the length of time of such publication.

May contract with or without bids.

SECTION 2. The common council of the city of Prescott may contract with or without bids, for a longer or shorter time, and may change from one to another newspaper at pleasure.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1873.

CHAPTER 25.

[*Published February* 13, 1873.]

AN ACT to amend chapter one hundred and seventy-two of the general laws of 1872, entitled "an act to amend section four of chapter one hundred and forty-nine of the general laws of 1871, entitled 'an act to provide for the incorporation of the Wisconsin State Horticultural Society, and the printing and publishing of its transactions.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and seventy-two of the general laws of 1872 is hereby amended by adding thereto the following, after section one: Section 2. There is hereby appropriated out of the general printing fund, the sum of one hundred and fifty dollars, to carry out the provisions of section one of this chapter. Amended. Appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1873.

CHAPTER 26.

[*Published February* 13, 1873.]

AN ACT to amend section one of chapter one hundred and one of the revised statutes entitled "of the payment of debts and legacies of deceased persons."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and one of the revised statutes entitled "of the payment of debts and legacies of deceased persons," is hereby amended by adding the following as subdivision three: When it shall appear from the inventory that there is no property belonging to said estate except the homestead, and that which is exempt from the payment of debts due from the deceased, and that to which the widow and children are entitled by law, and the administrator or executor shall petition for a final settle- Amended. How to proceed with final settlement of estates.

ment of the estate, setting forth also in the petition that there is no property belonging to the estate, except that which is exempt, and that the expenses of the last sickness, the funeral charges and expenses of administration have been paid, the county court shall thereupon cause a notice of such application to be given as now required by law, of the hearing of petitions for the final settlement of the estate, which notice shall also set forth the substance of the petition, and if upon the hearing, no person appear to oppose, or, if the facts set forth shall be established, the court is authorized to adjudge that no further proceedings shall be necessary in such estate, and to declare said estate to be settled, and to assign the same according to law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1873.

CHAPTER 27.

Published February 13, 1873.]

AN ACT to amend chapter ninety of the general laws of 1871, entitled an act to amend chapter fifty-five, general laws of 1870, entitled an act to amend chapter nineteen of the revised statutes, entitled "of highways and bridges."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter ninety of the general laws of 1871 is hereby amended to read as follows: Section twenty-five of chapter nineteen of the revised statutes, entitled "of highways and bridges," is hereby amended by inserting at the end of the fifth line of the second subdivision, immediately after the word, "Sheboygan," the words, "Ashland, Bayfield, Burnett, Dallas, Douglas, Outagamie, Marathon, Polk, Waupaca, Kewaunee, Door, Vernon and Richland."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1873.

CHAPTER 28.

[*Published February* 14, 1873.]

AN ACT to amend chapter two hundred and thirty-one of the general laws of 1862, entitled "an act to amend section four of chapter one hundred and ninety-eight of the general laws of 1861, entitled "an act to provide for the publication of legal decisions."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and thirty-one of the general laws of 1862, amendatory of an act passed in 1861, entitled "an act to provide for the publication of legal decisions," is hereby amended so that of the volumes of the reports of the decisions of the supreme court, purchased and delivered to the secretary or state, one copy of each volume shall be delivered to the district judge of the United States for each district in this state; and the provisions of this act shall extend not only to the volumes hereafter published, but to those already published, and which have not been furnished to each judge.

Amended.

Wisconsin reports to be distributed to district judges.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1873.

CHAPTER 29.

[*Published February* 14, 1873.]

AN ACT to amend section two of chapter one hundred and five of the private and local laws of 1871, entitled "an act to authorize the county treasurer of Shawano county to make and keep up an abstract of tax sales."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and five of the private and local laws of 1871, is hereby amended so as to read as follows: "Whenever redemptions are made or deeds for taxes are executed, the treasurer shall note the same in said abstract, and

Amended.

Redemption to be noted on abstract.

shall charge five cents for each tract so entered, an shall keep a just and true account of fees so received which shall be chargeable to him upon his annual set tlement, and deducted from his salary.

SECTION 2. This act shall take effect and be in forc from and after its passage and publication.

Approved February 12, 1873.

CHAPTER 30.

[*Published February* 14, 1873.]

AN ACT to amend section thirty-five of chapter ninety-four c the revised statutes, entitled "of the sales of lands for the pay ment of debts, by executors, administrators and guardians."

The people of the state of Wisconsin, represented in senat and assembly, do enact as follows:

Amended.

SECTION 1. Section thirty-five of chapter ninety-fou of the revised statutes is hereby amended so as to rea as follows: "Section 35. When a testator shall hav given any legacy by a will that is effectual to pass o charge real estate, and his goods, chattels, rights an credits shall be insufficient to pay such legacy, togethe with his debts and the charges of administration, th executor or administrator, with the will annexed, ma be licensed to sell or mortgage his real estate for tha purpose, in the same manner, and upon the same term and conditions as are prescribed in this chapter in th case of a sale or mortgage for the payment of debts."

Executor may sell or mortgage real estate of testator.

SECTION 2. This act shall take effect and be i force from and after its passage and publication.

Approved February 12, 1873.

CHAPTER 31.

AN ACT requiring the West Wisconsin Railway Company to relay, maintain and operate its road from Tomah to Warren's Mills in Monroe county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The West Wisconsin Railway Company is hereby required and directed to relay the track of said railway company from Warren's Mills, in the county of Monroe, along and upon the line heretofore used by said company to the point of connection with the Milwaukee and St. Paul Railway in the village of Tomah in said county, and equip the same in as good and substantial manner as the road of the said West Wisconsin Railway Company has been constructed and equipped and maintained from Warren's Mills, and complete the same and put it in operation, and run daily passenger and freight trains on the same on or before the first day of June, A. D. 1873, and thereafter to maintain and operate its said line of road from Tomah to Warren's Mills aforesaid, and run such daily trains thereon: *provided*, that nothing herein shall be construed so as in any manner to interfere with the operation and use of the road of said West Wisconsin Railway Company, as the same has been constructed and established, and is now operated by said West Wisconsin Railway Company, from Warren's Mills, through Camp Douglas to Elroy in the county of Juneau, but nothing in this proviso contained shall be construed as a waiver, either by the state of Wisconsin, or by any citizen or citizens thereof, of any rights or cause or causes of action now existing against said company for the enforcement of its or their rights in the premises.

Shall relay track.

Not to be construed to interfere with vested rights.

SECTION 2. In case the said West Wisconsin Railway Company shall fail, neglect or refuse to relay its said track upon that part of the line of its said road described in the first section of this act, within the time and in the manner in said first section of this act required, or shall fail and neglect to maintain and operate the same as in this act prescribed, the said West Wisconsin Railway Company shall, by such failure, neglect or refusal, forfeit all the rights, franchises, powers, privileges and grants conferred upon said company

Penalty for failure to comply with the provisions of this act.

by chapter two hundred and forty-three of the private and local laws of 1863, entitled "an act to incorporate the Tomah and Lake St. Croix Railroad Company, and to repeal and annul a portion of a grant of land heretofore made to the La Crosse and Milwaukee Railroad Company," or by any act amendatory thereof or explanatory thereto.

Attorney general authorized to institute suit.

SECTION 3. In case the said West Wisconsin Railway Company shall fail, neglect or refuse to relay its said track, or to maintain and operate its said road within the time as and in the manner in this act prescribed, or shall violate or fail to conform to any or all the provisions of this act, it shall be the duty of the attorney general and he is hereby authorized and required to institute a suit in the supreme court, by or in the nature of *quo warranto*, in the name of the state of Wisconsin, against the said West Wisconsin Railway Company, to enforce the forfeitures in this act provided, which said suit, when so instituted, shall be prosecuted to final judgment with all convenient speed, and the governor is hereby authorized to employ such counsel as he may deem necessary to assist the attorney general in the prosecution of said suit.

SECTION 4. This act shall take effect and be in force from after its passage.

Approved February 13, 1873.

CHAPTER 32.

[*Published February* 18, 1873.]

AN ACT to authorize the appointment of phonographic reporters for the circuit court of the counties of Washington and Ozaukee, in the third judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May appoint phonographic reporter.

SECTION 1. It shall be lawful for the judge of the circuit court for the third judicial circuit of this state, to appoint one more phonographic reporters for the circuit court in and for the counties of Washington and Ozaukee.

Shall be sworn officers.

SECTION 2. Said reporters shall be sworn officers of said court, and shall be skilled in the art of short hand

reporting, one of whom shall attend upon each term of said court, when requested by the judge so to do, and shall discharge such duties as the court or judge thereof shall require.

SECTION 3. The said reporters shall be allowed such daily compensation as shall be fixed by the court, not exceeding ten dollars per day for each day's actual attendance upon said court when required by the judge thereof to attend, which shall be certified, audited and paid in like manner, as is provided by law for the payment of the sheriff for attending upon the court: *provided*, but one such reporter shall be employed at the same time. **Daily compensation.**

SECTION 4. It shall be the duty of said reporter, upon the request of a party to any suit, or the attorney or attorneys of such party, the evidence in which suit shall have been taken by said reporter, to make and furnish transcripts of such evidence so taken by him, or any other proceedings had in such trial to such party or his attorney, for which transcript so furnished, said reporter shall be entitled to charge and receive from the party requiring the same to be made, ten cents for each folio of one hnndred words. In the trial of criminal cases the court may, in its discretion, order a transcript of the evidence and proceedings to be made, certified and audited, and paid for in the same manner as the per diem compensation of such reporter, and in such cases, the reporter's notes shall be written out in full and filed with the clerk of the court. **Shall furnish transcripts.** **In criminal cases.**

SECTION 5. The judge of said court may, in his discretion, remove such reporters, or any one of them, and may fill any vacancy caused by such removal, or from any other cause. **Reporters may be removed.**

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved, February 15, 1873.

CHAPTER 33.

[*Published February* 18, 1873.]

AN ACT to amend chapter three hundred and forty-four of the general laws of 1860, entitled "an act to amend section fifteen of chapter one hundred and eighty-three of the revised statutes, entitled (*an act*) 'of offenses cognizable before justices of the peace.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section fifteen of chapter one hundred and eighty-three of the revised statutes as amended by chapter three hundred and forty-four, of the general laws of 1860, is hereby amended by inserting after the word, "lakes," in the second line of said section, the words, "bayous, backwaters and sloughs, so that said section, when so amended, shall read as follows: Section 15. It shall not be lawful for any person or persons to draw or use any seine or net in any of the inland lakes, bayous, backwaters or sloughs situated within the limits of this state, except Silver Lake, in Sheboygan county, for the purpose of taking or catching fish: *provided*, such lake, bayou, backwater or slough shall contain an area of less than twelve square miles.

Not lawful to use nets on inland lakes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1873.

CHAPTER 34.

[*Published February* 18, 1873.]

AN ACT relating to highways and amendatory of section sixty-six, chapter one hundred and fifty-two of the general laws of 1869, entitled "an act to codify the laws of this state relating to highways and bridges."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section sixty-six of chapter one hundred and fifty-two of the general laws of 1869 is hereby amended so as to read as follows: Section 66. All

damages consequent upon laying out or altering any highway as finally settled upon, pursuant to the provisions of this chapter, and all lawful charges against a town for the services of any jury in the assessment of damages, or for fees of any justice or constable provided for in this chapter, or for the services of any commissioners appointed in the manner herein provided, shall be laid before the town board to be audited, and the amount allowed shall, on the order of the supervisors, be paid by the town treasurer out of any money in the town treasury, not otherwise appropriated; and if there be no unappropriated money in the town treasury from which said order or orders can be paid, it shall be the duty of the supervisors to certify the amount of the order or orders so made or issued and unpaid, to the town clerk of the town against which such indebtedness exists; and it shall be the duty of the town clerk with whom the certificate of the indebtedness, as aforesaid, shall have been filed, to assess the amount thereof, with interest thereon, from the date of such order or orders to the time when the warrant for the collection thereof will expire, upon the taxable property of said town, placing the same on the next assessment and tax roll; and the same proceedings shall be had thereon, and the same shall be collected and returned in the same manner as other town taxes, and shall be paid to the party or parties entitled thereto: *provided, however*, that the town clerk shall not perform the duties prescribed in this section when said indebtedness so accruing shall exceed one thousand dollars, until first authorized by the qualified electors of such town at some legal town meeting. Whenever the damages consequent upon the laying out or altering of the highways as finally settled upon pursuant to the provisions of this chapter, and all lawful charges against the town for the services of a jury in the assessment of damages, or for the fees of any justice or constable provided for in this chapter, or for the services of any commissioners appointed in the manner provided for in this chapter, shall be laid before the town board to be audited, and if the said town board shall neglect or refuse to audit the same, any person aggrieved by such neglect or refusal may commence and prosecute an action in the proper county, before any court having jurisdiction of the said town, and the sum claimed against said town, for all sums to which such person shall be entitled for or on account of such damages or fees: *provided*, said road has not been discon-

How damages to be assessed and collected.

If town board refuse or neglect to audit damages, how proceed.

tinued by an order made by the board of supervisors of said town.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1873.

CHAPTER 35.

[*Published February* 21, 1873.]

AN ACT to authorize the town clerk of the town of Auburn, in the county of Fond du Lac, or his successor in office, to perfect the record of said town relating to highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May record unrecorded papers

SECTION 1. The town clerk of the town of Auburn, in the county of Fond du Lac, or his successor in office, is hereby authorized to record all unrecorded papers on file in said office relating to public highways lawfully established by the supervisors of said town.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1873.

CHAPTER 36.

[*Published February* 21, 1873.]

AN ACT to empower the president and trustees of the village of Black River Falls to levy a tax for purposes therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May levy tax.

SECTION 1. The president and trustees of the village of Black River Falls, in Jackson county, are hereby authorized and empowered to levy a tax upon the taxable property of said village, not to exceed the sum of one thousand dollars in any one year, and not exceeding ten thousand dollars in the aggregate, to be expended by them in renting, purchasing or improving grounds for the use of the Jackson County Agricultural Society.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1873.

CHAPTER 37.

[*Published February* 21, 1873.]

AN ACT to amend chapter one hunded and forty of the private and local laws of 1872, entitled "an act to amend chapter four hundred and seventy-four of the private and local laws of 1866, entitled 'an act to reduce the act incorporating the city of Janesville and the several acts amendatory thereof, into one act, and amend the same.' "

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of chapter one hundred and forty of the private and local laws of 1872, entitled 'an act to amend chapter four hundred and seventy-four of the private and local laws of 1866, entitled "an act to reduce the act incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and amend the same,'" is hereby amended by striking out of said section the following words, to wit: Section seventeen of chapter four of said act is hereby amended by adding thereto as follows: "one-half of all moneys paid into the treasury of said city, for licenses for vending and dealing in spirituous, vinous and fermented liquors, shall be paid by the city treasurer, immediately after the receipt thereof by him, to the treasurer of the Young Men's Association of the city of Janesville, to be used by such association in the purchase of books for its library." Amended.

SECTION 2. All acts or parts of acts conflicting with or in any manner contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1873.

CHAPTER 38.

[*Published February* 21, 1873.]

AN ACT to appropriate a sum of money therein named for the use of the state prison for the payment of current expenses, repairs and indebtedness for the year 1873.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the general fund, not otherwise appropriated, the sum of forty-five thousand, seven hundred and thirty-five dollars, for the use of the state prison for the year 1873, in full for the following purposes, viz: for current expenses and repairs, twenty-five thousand dollars; for indebtedness, twenty thousand, seven hundred and thirty-five dollars.

To be drawn quarterly.

SECTION 2. All sums for current expenses shall be drawn from the treasury not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved February 19, 1873.

CHAPTER 39.

[*Published February* 21, 1873.]

AN ACT to legalize the action of the board of supervisors of Dunn county, of December 30th, 1870, fixing the salary of the district attorney.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. That the proceedings of the board of supervisors of Dunn county, of the thirtieth day of December, A. D., one thousand, eight hundred and seventy, fixing the salary of the district attorney for the term commencing the first Monday of January, A. D., 1871, at four hundred dollars per annum, be and the

same is hereby legalized and declared to be as valid for all purposes, as though the said board had fixed said salary at their annual meeting in the year 1869.

Approved February 19, 1873.

CHAPTER 40.

[*Published February* 26, 1873.]

AN ACT to amend chapter one hundred and thirty of the general laws of 1871, entitled "an act in relation to the collection of taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and thirty of the general laws of 1871 is hereby amended by inserting "one year" in place of "six months," so that the section shall read as follows: Section 1. In all cases in which the lists of lands to be advertised for sale for the non-payment of taxes, by the county treasurer of any county in this state, when the number of descriptions shall exceed four thousand, and in all cases when the list of lands to be advertised by the clerk of the board of supervisors for redemption, when the number of descriptions to be published shall exceed three thousand, it shall be the duty of such treasurer and such clerk of the board of supervisors of the several counties in which the several lists aforesaid shall exceed the number aforesaid, to let the publication of such lists to the lowest bidder, upon a notice, either written or printed, to be delivered to, and left with the publisher or publishers of each newspaper printed in the county where the lands so to be advertised shall be, at least ten days prior to the time at which such contract shall be let: *provided*, that no such publication shall be made in any newspaper, nor shall any contract be let to any publisher of any newspaper the publication of which has not been regularly and continually [continuously] made in the county in which such lands lie, at least once in each week for one week prior to the time at which such publication shall be by law required to be made; *and provided further*, that the price to be paid for the publication of such lists shall in no case exceed the amount now or which shall hereafter be

Amended.

Shall let publication of lists of lands to lowest bidder.

prescribed by law as the maximum price allowed for publishing such lists; *and provided further*, that this act shall not be held to apply in any manner to any county in this state, wherein the number of descriptions in such lists shall be less than those specified in this act.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved February 20, 1873.

CHAPTER 41.

[*Published February* 25, 1873.]

AN ACT to amend chapter two hundred and twenty-four of the private and local laws of 1871, entitled "an act to consolidate and amend the act to incorporate the city of Beaver Dam, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—mayor to have casting vote.

SECTION 1. Section two of chapter three of chapter two hundred and twenty-four of the private and local laws of 1871, is hereby amended by adding to said section the following words: and the mayor shall have a casting vote in case of a tie on the election of an officer by the common council.

Amended—board of review.

SECTION 2. Section seven of chapter seven of said chapter two hundred and twenty-four is hereby amended so as to read as follows: The mayor, city clerk, city treasurer and the assessors of the several wards, shall constitute a board of review. Said board shall meet annually, on the last Monday of June, at the common council room. A majority shall constitute a quorum. Notice of the time and place of such meeting shall be posted up by the city clerk in at least one public place in each ward, and at least four days prior to such meeting. The city clerk shall be the clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day, until its business is completed, and shall receive the same compensation as is allowed to township assessors. Said board of review so constituted shall have the same power, and be subject to the same restrictions as town boards of review under the laws of the state.

Amended—collection of taxes by treasurer.

SECTION 3. Section seventeen of chapter seven of said chapter two hundred and twenty-four, is hereby

amended so as to read as follows: Section 17. The city treasurer, upon receipt of such duplicate copy of the tax list, shall proceed in like manner to collect the same, and shall have the like powers, and shall be subject to like requirements, liabilities and restrictions as a town treasurer, except as otherwise provided in this chapter. The city treasurer shall receive one per cent. fees upon all taxes paid before the first day of January, and three per cent. on all taxes collected after that time, to be added to the amount of taxes, and collected with the same, and the same shall be held by him as the money of the city, and paid out and used as other money of the city in the hands of said treasurer. And the said city treasurer shall receive as his full payment and compensation for the collection of said taxes and the performance of his other duties as treasurer, the sum of five hundred dollars per year.

Amended—election of school commissioners.

SECTION 4. Section three of chapter eight of said chapter two hundred and twenty-four is hereby amended so as to read as follows: Section 8. At the charter election in the spring of 1873, there shall be elected in each ward of said city, two school commissioners; said commissioners shall be voters and residents of the ward for which they are elected, and the person having the highest number of votes shall hold his office for two years, and the person having the lowest number of votes shall hold his office for one year. If the persons voted for shall receive an equal number of votes, the term of office of such commissioner shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct; and after the said election in the spring of 1873, there shall be annually elected at each charter election in each ward of said city, one school commissioner who shall hold his office for two years.

Senior aldermen to be street commissioners.

SECTION 5. The office of street commissioner in said city of Beaver Dam is hereby abolished, and hereafter the senior alderman of each ward shall be the street commissioner for his ward, and shall have all the power and be subject to all the duties and liabilities heretofore given and imposed upon the street commissioner, and all the provisions of the city charter in relation to the street commissioner, his rights, duties and liabilities shall apply to and be construed to mean the said senior alderman, so far as they may be applicable, and whenever the words, street commissioner shall occur in said chapter two hundred and twenty-four, the same shall read and be construed to mean, senior alderman of his

ward, and all repairs of streets in the respective wards shall be at the expense of said wards respectively, and the expense of said wards for said repairs shall be assessed on and collected out of the property in said wards respectively, and shall not be a charge upon the city generally, unless so ordered by a two-thirds' vote of all the members elect of the common council.

Amended—repair of sidewalks.

SECTION 6. Section seven of chapter six of said chapter two hundred and twenty-four is hereby amended so as to read as follows: Section 7. Whenever the senior alderman of any ward shall deem it necessary to repair any sidewalk constructed in said city, in his ward, said senior alderman shall direct the owner or occupant of the lot or piece of ground adjoining said walk, to repair the same at his own expense, cost and charge, within such reasonable time and manner as said senior alderman shall direct. If such walk is not done in the time and manner prescribed by such senior alderman, and to his satisfaction, the said senior alderman shall cause the same to be properly done at the expense of the lots or pieces of ground adjoining said sidewalk. And the common council shall levy a special tax on each lot or piece of ground in front of which said sidewalk shall be so repaired by said senior alderman, sufficient to pay the cost of the same. And neither the said city nor any ward thereof, nor officer within said city, shall be liable for any damage that may happen, by reason of any defection in any sidewalk in said city unless the senior alderman of the proper ward shall have first had actual notice of such defect, and reasonable time thereafter to repair the same.

Amended—limitation of city debt.

SECTION 7. Section three of chapter seven of said chapter two hundred and twenty-four is hereby amended by adding to said section the following words: And it shall not be allowed, neither shall it be legal in any manner whatever, nor at any time, to contract a debt against the city (over and aside from the current expenses of the city government) for any and all purposes, to exceed the sum of fifty thousand dollars.

SECTION 8. All acts and parts of acts contravening with the provisions of this act, are hereby repealed, and this act shall be considered a public act, and shall be construed favorably in all courts and places, and shall be in force and take effect from and after its passage and publication.

Approved February 20, 1878.

CHAPTER 42.

[*Published February* 21, 1873.]

AN ACT to change the name of the "Fond du Lac County Savings Association."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name changed.

SECTION 1. The corporation created by chapter two hundred of the private and local laws of 1867, under the title of the Fond du Lac County Savings Association, is hereby changed to, and shall hereafter be known as the Savings Bank of Fond du Lac.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1873.

CHAPTER 43.

[*Published February* 26, 1873.]

AN ACT to provide for the payment of certificates issued to witnesses in criminal cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Witness certificates to be paid.

SECTION 1. The certificates issued in the manner provided by law, by the clerks of the circuit courts of this state, in all criminal actions, shall be paid by the treasurer in the county in which such certificate is issued, on presentation, and such certificates shall be accepted by the county boards of supervisors on settlement with the treasurer, as lawful vouchers.

SECTION 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the date of its publication.

Approved February 21, 1873.

CHAPTER 44.

[*Published February* 26, 1873.]

AN ACT relating to evidence in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

All patents to be *prima facie* evidence.

SECTION 1. All patents of land heretofore issued by the territory or state of Wisconsin, or by the proper officers of such territory or state, or which may hereafter be issued by the state of Wisconsin or by its proper officer, shall be *prima facie* evidence in all courts and places that the grantees therein named had lawful title in fee to the land therein described, at the date thereof; and such patents shall be *prima facie* evidence of all the facts therein recited: *provided*, this act shall not be construed to prevent said grantees from proving title to said land by purchase from said territory or state prior to the date of such patents.

May be recorded.

SECTION 2. All patents of land heretofore issued by the territory or state of Wisconsin, or by the proper officers of such territory or state or by the United States or its proper officers, or which shall hereafter be issued by said state of Wisconsin or its proper officers, or by the United States or its proper officers, may be recorded in the office of register of deeds of any county wherein any part of the lands in such patents described is situated, and the record of all such patents which may be hereafter recorded, or which have been heretofore recorded in the office of the register of deeds of the county wherein the lands therein described or any portion thereof, are situated, or the copy of such records duly certified by said register, may be read in evidence in any court within this state without further proof thereof, but the effect of such evidence may be rebutted by other competent testimony.

Secretary of state may certify.

SECTION 3. The secretary of state may certify to any facts which appear from the books, files and records in his office in regard to the grant, conveyance or transfer of any lands by the United States to the territory or state of Wisconsin, and also in regard to the sale, conveyance or transfer of any such lands by said territory or state to individuals or corporations, and his certificate of such facts shall be *prima facie* evidence of the facts so certified by him.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1873.

CHAPTER 45.

[*Published February* 26, 1873.]

AN ACT to amend sections nine and ten of chapter five hundred and thirty-seven of the general laws of 1865, entitled "an act to dispose of the swamp and overflowed lands, and the proceeds therefrom."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section nine of chapter five hundred and thirty-seven of the general laws of 1865 is hereby amended by striking out the word, "June," in the second line of said section, and inserting in lieu thereof the word, "July." Amended.

SECTION 2. Section ten of said chapter is hereby amended by striking out the word, "June," in the seventh line of said section, and inserting in lieu thereof the word, "July." Ibid.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1873.

CHAPTER 46.

[*Published February* 26, 1873.]

AN ACT to amend section eighty-three of chapter one hundred and eighty-eight of the general laws of 1872, entitled "an act to provide for the incorporation of villages."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section eighty-three of chapter one hundred and eighty-eight of the general laws of 1872 is hereby amended by adding thereto the following Amended.

Collection of judgments against disorganized villages.

proviso: "*and provided further*, that if any village heretofore organized shall have, heretofore, or shall hereafter, abandon said organization, while a judgment unsatisfied shall exist in favor of any party against said village, it shall be lawful for the party in whose favor said judgment is rendered, or the lawful owner of the same, to file a certified copy of such judgment with the town clerk of the town in which said village was located, together with an affidavit that the same has not been paid, reversed nor appealed from, whereupon it shall be the duty of the town clerk of said town to apportion the amount of said judgment and interest thereon upon the taxable property in the territory included in the bounds of the said disorganized village, as shown by the tax roll of said town, and shall place the same in the next tax roll of said town in a separate column, to be collected as other town taxes are collected, and paid over to the party owning said judgment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1873.

CHAPTER 47.

[*Published February* 26, 1873.]

AN ACT to authorize the treasurers of the counties of Door, Polk, Shawano and other counties to settle with the several town treasurers of their respective counties, for their portion of the money withheld by the state treasurer from any of said counties under the operation of chapter one hundred and fifty-eight of the general laws of 1872.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May settle with town treasurers.

SECTION 1. The county treasurers of the counties of Door, Polk, Shawano and other counties, are hereby authorized and required to settle with the town treasurers of the several towns in their respective counties and to pay over to said town treasurer or treasurers any moneys that shall be found due said town or towns, and which has been or hereafter may be withheld by the state treasurer for the payment of any state tax under the provisions of chapter one hundred and fifty-eight of the general laws of 1872.

SECTION 2. In case of failure of any county treasurer to carry out the provisions of section one of this act, the several town treasurers are hereby authorized and empowered to retain out of any moneys in their hands, other than state or school moneys, a sum equal to the amount so withheld from said town or towns, under the operation of said chapter one hundred and fifty-eight of the general laws of 1872. Town treasurer may retain moneys.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1873.

CHAPTER 48.

[*Published February* 26, 1873.]

AN ACT to amend section sixteen of chapter seven of the revised statutes, entitled of general and special elections.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section sixteen of chapter seven of the revised statutes of this state, entitled of elections other than for town officers, is hereby amended so as to read as follows: "Section 16. The sheriff, on receiving either of the notices directed in this chapter to be sent to him, shall forthwith cause a notice in writing to be delivered to the town clerk of each town, and to one of the inspectors of election in each ward in any city of his county; or if the vacancy be in an assembly or senate district within his county, then such notice shall be delivered to such officers in each ward or town in *such district*; which notice shall contain in substance *the notices* so received by such sheriff; and he shall also cause a copy of each such notice to be published in a paper printed in his county once in each week, from the date of such notice, until the election to which it shall refer, if there be a paper printed and published in his county; and if there be no paper printed in his county, he shall cause the same to be published in a paper printed in an adjoining county." Amended—how sheriff to give notice of election.

SECTION 2. All acts, so far as they conflict with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force after its passage and publication.

Approved February 21, 1873.

CHAPTER 49.

[*Published February* 26, 1873.]

AN ACT to amend chapter four hundred and nineteen of the general laws of 1864, entitled "an act to prevent the establishment of cemeteries and burial grounds within the limits of cities and villages."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—regulating establishment of cemeteris.

SECTION 1. Chapter four hundred and nineteen of the general laws of 1864 is hereby amended by inserting immediately after the word, "erected," and before the word, "and," in the 12th line thereof, a clause as follows, viz: "or to lay out or establish any such cemetery or burial grounds outside the limits of the recorded plat of any such city or village, or addition thereto, and within two hundred rods of any inhabited dwelling standing cn any lot or block in such city, village or addition, without first obtaining the consent of the municipal authorities of such city or village thereto."

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 21, 1873.

CHAPTER 50.

[*Published February* 23, 1873.]

AN ACT to extend the use of the state library.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall lend books.

SECTION 1. It shall be the duty of the state librarian to lend for use in the courts of the United States sitting at the capital, any book or books in the state library, upon the written request of the judge of the district court of the United States for the western district of Wisconsin, such judges assuming the safe return to the library of any such book or books so loaned.

Approved February 21, 1873.

CHAPTER 51.

[*Published February* 26, 1873.]

AN ACT to amend chapter two hundred and ninety-two of the private and local laws of 1869, entitled "an act for the preservation of fish in the waters of the lakes, ponds and streams in Waukesha county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and ninety-two of the private and local laws of 1869, entitled "an act for the preservation of fish in the lakes, ponds and streams in Waukesha county," is hereby amended so as to read as follows: No person or persons shall take or catch any fish, except mullet, suckers, bill fish and dog fish, by means of spear, net or any other device or contrivance, other than the ordinary hook and line, from the waters of any of the lakes, ponds or streams in the county of Waukesha. Amended. Not to fish with spear or net.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1873.

CHAPTER 52.

[*Published February* 26, 1873.]

AN ACT to legalize the publication of the unredeemed lots and tracts of land in the village of Alma, of the sale of 1871.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The publication of the unredeemed lots and tracts of land, of the sale of the year 1871, made by the treasurer of the village of Alma, in the county of Buffalo, is hereby legalized and declared as valid for all purposes, as though the same had been made strictly according to the statute regulating such publication: *provided*, that no deeds shall be issued upon the lots and tracts of said sale of the year 1871, before the expiration of three months next after the first publication of the list of said unredeemed lots and tracts. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1873.

CHAPTER 53.

[*Published February* 27, 1873.]

AN ACT relating to and amendatory of chapter sixty-two of the private and local laws of the state of Wisconsin for the year 1872, entitled an act to detach certain territory from the towns of Eaton and Greenfield, Monroe county, and attach the same to Lincoln and La Fayette, and providing for the payment of the indebtedness of the town of Eaton, mentioned in said chapter.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. That chapter sixty-two of the private and local laws of the state of Wisconsin for the year 1872, entitled an act to detach certain territory from the towns of Eaton and Greenfield, Monroe county, and attach the same to Lincoln and La Fayette, be amended by adding thereto another section numbered five, which shall read as follows, to-wit:

Shall deliver assessment roll and books, to county clerk.

SECTION 2. That the chairman of the board of supervisors of the said town of Eaton shall, on or before the first day of June, 1873, deliver to the county clerk of Monroe county, the last assessment roll, and the books and papers or other evidence showing the indebtedness of said town, which said clerk shall, at the time he makes the apportionment of the state tax, county tax and school tax for the year 1873, make an apportionment of the indebtedness of said town of Eaton, according to the valuation as shown by the last assessment roll of the different territories attached to the towns of Lincoln and La Fayette, as an additional tax against the town of Lincoln, Monroe county, and the territory attached to the town of La Fayette, Monroe county, and now known as the town of New Lyme, in said county, and set the same in a separate column in his certificate to the town clerks of said towns; and the town clerk of the town of New Lyme shall include the tax so certified against the town of New Lyme in the total tax to be collected for the year 1873; and the town clerk of the town of Lincoln shall calculate and carry the tax so certified against the town of Lincoln

on to the assessment roll for 1873, against the territory attached to the town of Lincoln by said chapter sixty-two; and the towns of New Lyme and Lincoln shall pay the claims of all persons against the town of Eaton, residing in that portion of territory attached to each town respectively, as soon as said tax shall be collected: *provided*, if either town have a balance in its treasury, after paying all claims herein mentioned, it shall turn the amount over to the other town having claims unpaid, which balance shall be used in paying said claims. Shall pay all claims.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1873.

CHAPTER 54.

[*Published February 27, 1873.*]

AN ACT to amend section one of chapter one hundred and thirty-six of the private and local laws of 1872, entitled an act to lay out a state road from the village of Ashland, in Ashland county, through Ashland, Chippewa and Eau Claire counties, to the village of Eau Claire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That section one of chapter one hundred and thirty-six of the private and local laws of 1872, entitled an act to lay out a state road from the village of Ashland, in Ashland county, through Ashland, Chippewa and Eau Claire counties, to the village of Eau Claire, be and the same is hereby amended so as to read as follows: Section 1. Judson N. Smith, James A. Wilson and Darius Bresee of the counties aforesaid, are hereby appointed commissioners to lay out a state road, commencing at the village of Ashland, Ashland county, running thence southwestwardly on the most feasible and practicable route to or near to the mouth of the Flambeau river, in township thirty-three north, of range seven west; thence to the village of Vanville, in the town of Bloomer, Chippewa county, and from Vanville to the city of Eau Claire, in the county of Eau Claire. Amended. Appointed commissioners.

SECTION 2. That any of the provisions of the act to

which this is amendatory thereto, conflicting with or in any manner contravening the provisions of this act, be and the same hereby are repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1873.

CHAPTER 55.

[*Published February* 25, 1873.]

AN ACT to amend chapter one hundred and fifty-six of the general laws of 1872, entitled "an act to authorize the taking of lands for the use of charitable, educational and correctional institutions of this state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Chapter one hundred and fifty-six of the general laws of 1872, entitled "an act to authorize the taking of lands for the use of charitable, educational and correctional institutions of this state," is hereby amended by adding after section six of said chapter the following, which shall be numbered section seven of said chapter: Section 7. Upon the making of the application mentioned in section two of the act to which this act is amendatory, the said board of regents, board of managers or state prison commissioners, as the case may be, may also apply to the judge of the circuit court or county judge of the proper county, for an order restraining the owners of the lands required, from cutting or injuring any of the timber or wood growing thereon, during the pendency of said proceedings, and it shall be lawful for such judge to grant such injunctional order, if it be made to appear that the destruction of said wood or timber will seriously impair the value of said land for the uses for which it is required.

May apply for order restraining injury to timbered lands.

Number of section changed.

SECTION 2. Section seven of the act to which this act is amendatory shall be and is hereby numbered section eight.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1873.

CHAPTER 56.

[*Published February* 28, 1873.]

AN ACT to amend section sixteen of chapter one hundred and fifty-five of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section sixteen of chapter one hundred and fifty-five of the general laws of 1863 is hereby amended so as to read as follows: Section 16. Whenever any school district shall, for two successive years, neglect to maintain a public school as required by law, it shall be the duty of the supervisors of the town containing the district, within thirty days from the expiration of the two years aforesaid, to attach said district to such other adjoining district or districts in the town as they shall judge proper; and if the district be a joint district, then the supervisors of the several towns embracing parts thereof shall, within the said thirty days, dissolve such joint district, and immediately proceed to attach the respective parts thereof to other districts in their respective towns, as hereinbefore provided. And whenever any district shall become extinguished by reason of the attachment of all its territory to some other district or districts, the supervisors of the town or towns embracing such district shall take charge of the property belonging to the same, at the time of its extinguishment, dispose of the same by grant or otherwise, and apply the proceeds to the discharge of its debts, paying over the remainder, if any, to the treasurer of the district to which the territory has been attached, in proportion to the valuation of the property attached to each, as appears from the last assessment roll of the town or towns.

Amended.

If district fail to maintain school, shall be annexed to adjoining district.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1873.

CHAPTER 57.

[*Published February* 28, 1873.]

AN ACT relating to the foreclosure of mortgages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

If referee fail to make report of sale, plaintiff may do so.

SECTION 1. Whenever in an action for the foreclosure of a mortgage upon real estate, a referee shall have been appointed by the court for the purpose of making sale of the mortgaged premises, and such sale shall have been held by said referee, and a certificate of sale or deed shall have been executed to the purchaser thereof, if the referee making such sale shall die without making a report of such sale, said report of sale may be made by the plaintiff, his agent or attorney under oath, and upon filing said report of sale duly verified, the court shall make an order confirming such sale and report in the same manner and with the same effect as if said report of sale had been made by said referee who made the sale.

If he fail to make deed, court may appoint another referee.

SECTION 2. Whenever in such an action a certificate of sale shall have been issued by a referee, and if said referee shall die or leave the state or otherwise become incapacitated before the purchaser shall become entitled to a deed of the mortgaged premises so sold, or before the deed shall have been executed, the court, on proof that said referee has died or left the state, or has become incapacitated as aforesaid, shall appoint another referee, successor to the referee named in the judgment, who shall be authorized to execute and deliver to the purchaser of the said mortgaged premises, a deed of the same in accordance with the certificate of sale issued by his predecessor, and said deed so executed and delivered shall be as valid and effectual as if the same had been so executed and delivered by the referee named in the judgment and in the certificate of sale.

Application.

SECTION 3. This act shall apply to all such actions heretofore brought or hereafter commenced.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1873.

CHAPTER 58.

[*Published February* 28, 1873.]

AN ACT to appropriate to the Northern Hospital for the Insane, a sum of money for the purposes therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, for the use of the Northern Hospital for the Insane, the sum of nineteen thousand dollars in full for the following purposes, viz: for water supply, ten thousand dollars; for ice house, slaughter house and store room for fresh meats, one thousand dollars; for furniture, bedding, table ware, etc., not provided for, four thousand five hundred dollars; vegetable cellar, one thousand dollars; fire apparatus, hose, buckets, etc., one thousand, five hundred dollars; medicines, surgical instruments and blank books, one thousand dollars. Appropriated.

SECTION 2. The expenditures of the appropriation herein provided for shall be under the direction and control of the trustees of the Northern Hospital for the Insane, and shall be drawn from the state treasury upon the order of the said board of trustees. Shall be under control of trustees.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved February 26, 1873.

CHAPTER 59.

[*Published March* 4, 1873.]

AN ACT to revise the charter of the city of Prairie du Chien.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

City boundaries.

SECTION 1. All that district of country situated in the county of Crawford, state of Wisconsin, and embraced in the following boundaries, to wit: Commencing at the northeast corner of farm lot number twenty-five of the private land claims at Prairie du Chien, running thence westerly on the north line of said farm lot to its intersection with the south line of Frederick street, as laid down on the Union plot of Prairie du Chien aforesaid; thence westerly on the south line of said street and the course of said south line to the east channel of the Mississippi river, thence southerly along the center of the east channel of the said Mississippi river, to a point that would intersect LaPointe street, if the same were continued to said east channel, thence easterly on the line of the centre of said LaPointe street to Sixteenth street, thence northerly on said Sixteenth street to Lessard street, thence easterly on said Lessard street to the east line of farm lot thirty-nine, thence northerly on the east line of farm lots to the place of beginning, shall be known and designated as the city of Prairie du Chien, and by that name shall be capable of contracting and being contracted with, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, and shall be competent to exercise all the rights and privileges, and be subject to all the duties and obligations appertaining to municipal corporations.

Ward boundaries.

SECTION 2. The said city shall be divided into four wards, called first, second, third and fourth, limited and bounded as follows: All that portion of said city lying south of the south line of farm lot thirty-four of the private land claims of Prairie du Chien, with said line extended to the east channel of the Mississippi river,

shall constitute the first ward; and all that portion of said city north of said north boundary of ward number one and east of the Marais de St. Feriole and south of the center of Bluff street, shall constitute the second ward; and all that portion of said city lying north of the north line of said ward number two and east of said Marais de St. Feriole, shall constitute the third ward; and all of that portion of said city lying west of the center of said Marais de St. Feriole, shall constitute the fourth ward.

Common council.

SECTION 3. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER II.

Election of city and ward officers.

SECTION 1. The annual elections for ward and city officers shall be held on the first Tuesday in April of each year, at such place in each ward as the common council shall designate. Ten days' notice shall be given of the time and places of holding such election, and of the officers to be elected, by publication in the official city paper. All elections under this charter shall be conducted in the same manner as the general elections for state and county officers. Said elections shall be held in the several wards for the officers herein designated, and shall be presided over by the aldermen in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls shall elect *viva voce* a sufficient number of inspectors to make three with the alderman or aldermen present, who shall be sworn in accordance with the laws of this state. Such inspectors shall appoint two clerks of the election, who, before entering upon the discharge of their duties as such clerks, shall also be severally sworn in accordance with the laws of this state, and such inspectors shall see the names of the voters registered, and the ballots safely deposited in the ballot box, shall decide all questions that may arise as to the legality of the votes presented, shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election, shall direct and return one of the said returns to the city clerk of the city of Prairie du Chien, the other to the clerk of the board of

Inspectors of election.

Clerks.

Board of canvassers.

supervisors of the county of Crawford. The mayor of the city, and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after such election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify by a certificate the persons elected to the respective offices.

Elective officers.

SECTION 2. The elective officers of said city shall be a mayor, treasurer and assessor, all of which said officers shall be residents within and qualified voters of said city. Each ward shall elect three aldermen, one justice of the peace and one constable, who shall be residents within and qualified voters of the ward for which they may be elected. The terms of office shall commence on the first Monday of May next after their election. Each of said officers shall continue in office for his respective term, as herein provided, and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices. All other officers necessary for the management of the affairs of said city shall be appointed by the common council. On the first Tuesday in April in each year, the qualified voters of said city shall elect one mayor, one treasurer and one assessor, who shall hold their respective offices for one year, and on the same day and at the same places of holding said election, the said qualified electors of each ward shall elect two aldermen and one constable. The senior alderman and justices of each ward who are now in office shall continue in office until the expiration of the terms for which they were respectively elected, and there shall be elected annually on the first Tuesday in April one alderman in each ward, who shall hold his office for two years, and one alderman who shall hold his office for one year. The ballot shall designate who shall be the alderman for two years, and one constable in each ward for one year. And on the first Tuesday in April, 1874, and every two years thereafter, there shall be elected one justice of the peace in each ward.

Term of office.

Day of election and officers to be elected.

Vacancy, how filled.

SECTION 3. In the event of a vacancy in the office of mayor, aldermen or justices of the peace, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof; any vacancy in other offices shall be filled by the common council; the person appointed or elected

to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Election to be by ballot.

SECTION 4. All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted for, with a proper designation of the officers written or printed thereon, and a plurality of votes shall constitute an election; all elections of the common council may, at their option, be *viva voce;* when two or more candidates for an elective office by the people shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they may direct.

Who are voters.

SECTION 5. All persons entitled to vote for state or county officers, and who shall have resided in the city thirty days preceding the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this charter, and to hold any office hereby created.

Additional oath.

SECTION 6. If either of the inspectors of election or alderman shall suspect that any person offering to vote, does not possess the necessary qualifications of an elector, the inspectors or alderman, before receiving any such vote, shall, in addition to the oath required by law in reference to elections, require the voter offering to make oath that he has resided in the ward where he offers to vote, ten days next preceding the election, and in the city thirty days next preceding the election; and if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury.

Penalty for illegal voting.

If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment or presentment by information, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars.

Shall keep list of challenged voters.

It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and who shall swear in their vote; and if any inspector or alderman shall knowingly and corruptly receive the

vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk so acting shall be liable to indictment or presentment by information thereof, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars.

Special elections.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner and the returns thereof shall be made in the same form and manner as general and annual elections, and within such time as may be prescribed by resolution.

When offices deemed vacant.

SECTION 8. Any officer removing from the city or ward for which he was elected, or any officer elected at the annual election, who shall neglect or refuse to qualify, on or before the first Monday in May next after his election, and any officer elected or appointed to fill any vacancy, who shall neglect or refuse for ten days after notice of his election to qualify, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Shall take oath and give bond.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city, and the treasurer, clerk and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to said city a bond, with at least two sureties, who shall make affidavit that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities; and said bonds shall contain such penal sum and such conditions as the common council may direct, and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of the mayor.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and

shall take care that the laws of the state and ordinances of the city are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall appoint no police force without the direction of the common council, by order, and only such number as the common council shall so direct; any police officer or watchman so appointed may be discharged by the mayor whenever, in his opinion, the welfare of the city may demand it. In case of riot or other disturbance, the mayor may appoint as many special constables as he may deem necessary. The mayor shall communicate in writing to the common council once a year, such information as he may deem necessary, and at all times give such information as the common council may require. He shall vote in the common council only in case of a tie vote.

Election of president and his duties.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent from any meetings of the common council, they shall proceed to elect a temporary presiding officer who, for the time being, shall discharge the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign, and communicated such refusal to the council.

Duties of the clerk.

SECTION 4. The common council shall elect a city clerk. He shall keep the corporate seal and all the papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office and transcripts from the records certified by him, under the corporate seal, shall be evidence in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriations and orders

drawn on the city treasurer, in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all the tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem.* The city clerk shall have power and authority to administer oaths and affirmations, and take acknowledgements of deeds and other instruments, and shall receive a salary which shall be fixed by the common council at their first meeting in each year, to be paid out of the city treasury.

Duties of the treasurer.

SECTION 5. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city, or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty or fine, forfeiture or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order issued by order of the common council, and signed by the mayor and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums was received, which books shall, at all reasonable times, be opened to the inspection of any person. He shall, every three months, and as often as the common council may require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services, receive the same compensation, except as herein otherwise provided, and he shall have the same power and be subject to the same liabilities and be governed by the same laws as treasurers of towns: *provided*, that he shall receive no other fees, except the compensation hereinafter provided.

Duties and jurisdiction of justices of the peace.

SECTION 6. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements

shall be approved by a majority of the common council; all constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

May appoint police justice; his duties and jurisdiction.

SECTION 7. A police justice shall be designated and appointed by the common council from one of the four justices of the peace elected in said city, at their first annual meeting after the election of officers, and shall have the power at any time to annul such appointment, and to appoint one of the other justices of said city a police justice. The justices shall hold their offices in the ward where they are elected, except the police justice. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising within the city, and shall have exclusive jurisdiction in all cases to which the city shall be a party, and shall have the same power and authority in cases of contempt as a court of record: *provided*, that nothing herein contained shall be deemed to divest the judges of the circuit or county courts of their authority as conservators of the public peace, nor to affect in any manner the jurisdiction of the circuit court. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and no other; but the city shall not be liable to said police justice for his said fees, except such as shall accrue on prosecutions for the violation of the charter or ordinances of the city, wherein the offender shall have been discharged from imprisonment or custody by the authority of the common council or mayor. In case of the absence, sickness or other inability of the police justice, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of police justice, and it shall thereupon be the duty of the mayor to inform the city marshal of such substitution, and make a report thereof to the common council, and they may confirm or set aside such appointment, but in all cases of complaint, suits or actions brought or commenced before such justice after his appointment, and before action thereon by the council, the same shall not abate by reason of his non-confirmation by the council, but such complaints, suits or actions shall proceed to final judgment before such justice, and the justice so appointed shall, for the time

His compensation.

May appoint substitute.

being, possess all authority, powers and rights of the police justice. Appeals and writs of *certiorari* may be taken from the police justice in the same manner as from justices of the peace.

Shall make quarterly report.

SECTION 8. The police justice shall quarterly report to the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time account and pay over to the treasurer the amount of all penalties and fines collected which may by law accrue to the city. The city shall not be liable to pay any cost for violation of any law of this state.

The marshal—his powers and duties.

SECTION 9. A marshal shall be appointed by the council. He shall attend all the meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers of constables of towns and be subject to the same liabilities. It shall be his duty to execute and retain all writs and processes to him directed, and when necessary in criminal cases or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys in said city, and to abate all nuisances in said city; to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time, bring such persons before competent authority for examination and trial; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

May require other and further duties.

SECTION 10. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties; and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he was elected or appointed.

SECTION 11. There may be elected by the common council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties; and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same together with all books and papers appertaining to said office shall be delivered over by the surveyor at the expiration of his term of office to his successor or the common council.

City surveyor—his duties and compensation.

SECTION 12. It shall be the duty of the council to elect a street commissioner for the whole city, who shall render his personal service, and perform labor in repairing the streets of said city, and to superintend all local improvements throughout the city under the direction of the common council, and to carry into effect all orders of the common council in relation thereto, and to perform such other duties as may be herein prescribed to be performed by street commissioner, or ordered by the common council. Said street commissioner shall receive a compensation to be fixed by the common council, not exceeding two dollars per day for the time actually engaged in the discharge of his duties; and shall keep accurate account of all expenditures incurred in the discharge of his duties, and render quarterly accounts thereof to the common council, or oftener if required.

Shall elect street commissioner—his duties and compensation.

SECTION 13. The common council shall annually provide that all printing authorized and required by them to be done for their use or for the city, shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of a newspaper printed and published in the city of Prairie du Chien, unless the bids of such publishers shall be higher than the rates of legal advertising as fixed by law, or unless such publisher should fail to bid. All ordinances and other proceedings required by this act, or by the by-laws or ordinances of the common council to be published, shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city, his or their affidavit of the length of time said ordinance, by-law or proceeding had been published, and such affidavits shall be

Printing to be let to lowest bidder.

Publication of ordinances, &c.

conclusive evidence of the publication of such notice, ordinance, proceeding or by-law.

Shall hand over books, etc., to successor.

SECTION 14. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and all effects of every description in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Who are peace officers,—their duties.

SECTION 15. The mayor, sheriff of Crawford county, each and every alderman, justice of the peace and marshal, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies. If any person, bystander, military officer or private citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL DUTIES AND POWERS.

The common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Prairie du Chien, do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Their meeting rules, etc.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish by

fine and imprisonment, by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct, and by a vote of two thirds of its members may expel any member for cause.

General and special powers.

SECTION 3. The common council shall have the control and management of the finances, and of all property of the city; and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, they are not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions, or by-laws:

Licenses.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses and theatrical performances, billiard tables and bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state, and that no license shall be granted for a less time than one year; *and provided further*, that no person thus licensed shall sell or give away any spirituous, fermented or vinous liquors on election days.

Gaming.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

Riots, etc.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly

houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for purposes of gaming.

Nauseous places.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses and markets.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection, use or occupation of the same when the offal or filth therefrom shall discharge into the waters adjoining or in said city, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible material.

Incumbering streets.

6th. To prevent the incumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, fire-wood or other materials or substances whatever.

Immoderate driving.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Running at large of cattle.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Of dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

Putrid ca casses.

10th. To prevent persons from bringing, depositing or having within said city, or placing in the waters adjacent to said city, any putrid carcass or any other unwholesome substance, and to require the removal of the same, by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

Board of health and cemetery.

11th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds, set apart for public use, from taxation.

Weight of bread.

12th. To establish the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

13th. To prevent all persons riding or driving any horse, mule, cattle or any other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks. Driving on sidewalks.

14th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof. Shooting off firearms.

15th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restraining drunkards.

16th. To restrain and regulate runners and solicitors for boats, vessels, cars, public houses and other establishments. Runners, etc.

17th. To make rules and ordinances for the government and regulation of the police of the city. Rules for police court.

18th. To regulate the place and manner of weighing and selling hay and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same. Weighing hay, etc.

19th. To compel the owners of buildings or grounds, or the occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances, the common council shall by order direct, and in default, to authorize the removal or destruction of the objectionable substance by some officer of the city, at the expense of such owner or occupant. Removal of snow, etc. from sidewalks.

20th. To make such regulations and provisions for the support of paupers which the city shall be required by law to support, as they may deem expedient, and may charge the county of Crawford with the expenses of keeping, supporting, maintaining and relieving all poor persons for the support and relief of which said county is now chargeable, and said county shall pay the city therefor; but this provision shall not in any manner prevent the proper authorities from abolishing the distinction between town and county paupers, and said city shall be considered a town in relation to town and county paupers. Support of the poor.

21st. To regulate, prevent and control the landing of persons from boats, cars and stages, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the Contagious diseases.

health of the city, and to adopt such other measures at the expense of the city to prevent the spread of contagious diseases as they may deem proper.

Public auctions.

22d. To regulate the time, place and manner of holding public auctions and vendues, and to license the same.

Standard of weights and measures.

23d. To provide by ordinance for a standard of weights and measures, and for the punishment of false weights and measures.

Jurisdiction over waters.

24th. The common council shall have jurisdiction over the entire waters bordering on the city, so as to prevent any deterioration of the waters, or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired.

Shrubbery.

25th. To regulate the setting out of ornamental trees in the streets.

How appropriations to be made.

SECTION 4. No appropriation shall be made, nor shall any debt be created, or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor; and all resolutions, or measures for the appropriation of money, whereby a debt shall be created against or a liability incurred by the city, shall be approved by the mayor before the same be in force: *provided*, that in case the mayor shall refuse to sign any ordinance, or any certificate of the appropriation of money, or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city, it shall be his duty to file his objections thereto with the clerk within ten days after its passage, who shall forthwith call a special meeting of the common council; eight aldermen voting in the affirmative shall have power to repass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor; and all ordinances shall be published in a public newspaper printed in said city before the same shall be in force; and within fifteen days thereafter they shall be recorded by the city clerk in a book to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof respectively, within the same time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit

Mayor's veto.

Publication and recording of ordinances.

shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Abatement of nuisances.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law; gambling houses, houses of ill fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Examination of accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, and all other officers and agents of the city, entitled to the same, at such time as they may deem proper, and also at the end of each year and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, and shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER V.

OPENING OF STREETS, HIGHWAYS AND ALLEYS, AND OF ALTERING AND VACATING THE SAME.

Ex officio street commissioners.

SECTION 1. The common council of the city of Prairie du Chien shall, by virtue of their office, be the commissioners of highways, streets and alleys therein, and shall have the care and superintendence of the same, and there is hereby conferred upon the said council the same power in the same manner and under the restrictions as is now conferred upon the town

board of supervisors of the several towns in this state as provided for in the revised statutes of the state, chapter 19, and the amendatory acts thereto in the general statutes of Wisconsin, to open lay out and establish upon actual survey, such new streets, highways and alleys as the said common council may deem necessary and proper, and to alter, discontinue and vacate such streets or alleys as said common council may deem proper.

CHAPTER VI.

IMPROVEMENT OF STREETS AND SIDEWALKS.

Changing of grades.

SECTION 1. Upon application in writing of the resident owners of two-thirds of the lots upon any street, or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to cause a new survey to be made, and to alter such grade or establish a new one in such street or part of street set out in such application, as the public good may seem to require.

Action for damages.

SECTION 2. Any person not being a signer of such application, who shall claim to have sustained damage by such change of grade, shall have his right of action against the city for the recovery of the same. The signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

Highway and poll tax.

SECTION 3. The common council shall have power to levy a highway tax or tax for streets and bridges of not exceeding seven mills on the dollar in each and every year, which with other taxes shall be extended upon the assessment roll by the clerk of said city, as hereinafter provided. And the assessor shall, at the time of assessing the property of said city, make out a complete list of all persons who are by the general laws of the state required to pay a poll tax; which poll tax shall be extended on the assessment roll against such person so liable to pay the same, and collected in the same manner as other taxes.

Duty of senior aldermen in relation to streets

SECTION 4. It shall be the duty of the senior alderman in office of each ward to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses within their respective wards are duly observed and kept, and direct and control the persons employed therein. The aldermen in each ward shall have a general supervision over

all work let by contract for the improvement of streets or sidewalks in their respective wards, unless the common council shall otherwise provide.

SECTION 5. Upon a petition to the common council of two-thirds of the owners of lots in front of which any sidewalk or gutter is proposed to be built, such sidewalk or gutter not less than a block in lineal frontage shall by the common council be ordered to be constructed upon the proper established grades of any street in said city, of such width, in such manner, of such materials and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk or gutter shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk or gutter as aforesaid, the common council may cause the same to be constructed at the expense of the owner or owners. The contract for the construction of any sidewalk or gutter shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least ten days prior to the time, of the place and manner of opening such bids. The common council shall levy a special tax upon such lot or piece of ground in front of which any sidewalk or gutter shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners of the ordinance, resolution or order requiring the construction of such sidewalk or gutter by the publication of the same.

Construction of sidewalks.

Levy of special tax.

SECTION 6. The proceedings for ordering the repair of sidewalks and gutters, and collecting special taxes on the respective lots to pay for the same shall be the same as herein provided, as in the case of constructing a new sidewalk or gutter. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk or gutter shall be out of repair, and so remain for the space of twenty-four hours, which in the opinion of the senior alderman of the ward or street commissioner will not cost to exceed the amount of five dollars in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired, and when the same is completed, he shall make out an itemized bill of the cost of such re-

Repair of sidewalks, etc.

pair, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Prairie du Chien, for payment, and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece, or parcel of land does not reside in the city of Prairie du Chien, the said senior alderman or street commissioner shall return said account to the common council with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same.

CHAPTER VII.

FINANCE AND TAXATION.

How funds to be drawn from treasury.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

Contracting debt—how authorized.

SECTION 2. No debt shall be contracted against the city, or certificates of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

Fines and license moneys to be paid in to general fund.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act.

Taxation—duties of assess'rs

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of

the state, shall be subject to annual taxation, for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

Fiscal year and determination of amount of taxes.

SECTION 5. The fiscal year of the city of Prairie du Chien shall commence on the first day of September, on which day, or within twenty days thereafter, the common council shall, by resolution, determine what amount of money, including the estimated resources of the city not derived from direct taxation for the year then next ensuing, will be required for general city purposes during that year; and the council shall thereupon be empowered to levy, and shall, by resolution, levy a tax for general city purposes, not exceeding in amount one per centum of the assessed value of real and personal property of the city for that year; all resolutions for the purpose of levying a tax shall require for their passage, an affirmative vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

All taxes to be a lien upon land.

SECTION 6. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal property shall affect such lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

City clerk to send copy to county clerk.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Crawford, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the county clerk of said county, who shall lay the same before said board at their annual meeting.

City regarded as town.

SECTION 8. The board of supervisors shall have the

right to regard the city of Prairie du Chien as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law.

Not to regard ward divisions, in levy of tax.

SECTION 9. The board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions with the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

Making out assessment roll

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in a column left for that purpose, or upon a copy thereof, a complete statement of the several amounts of the taxes levied for the state, county, city or other purposes, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary with the total footing carried out opposite each tract or lot of land or person named therein; which statement shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. The said city clerk may calculate the state, county and city taxes together, and carry the amount thereof into one column, but in such case he shall specify the per centum upon one dollar of valuation of state tax, county tax and city tax, separately in his warrant to the treasurer for the collection of such taxes.

Tax list to be evidence.

SECTION 11. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record of this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly, and as required by law.

Shall make duplicate copy.

SECTION 12. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the second Monday of December of the said year, or as soon thereafter as practicable, de-

liver the same to the city treasurer for collection, and make a record of said delivery on the tax list preserved in his office.

SECTION 13. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, and two per centum upon all other moneys paid into the treasury, and disbursed by him, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city. Treasurer to collect tax.

SECTION 14. On or before the fifteenth day of February, of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Crawford county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurer; and all the provisions of sections eighty-one to eighty-seven inclusive of chapter eighteen of revised statutes as modified by acts amendatory thereof, shall extend to, and may be enforced to collect any delinquent personal property tax, of whatever year, due to said city. Return of city tax list.

SECTION 15. The county treasurer shall sell all delinquent lands and lots returned from the city of Prairie du Chien, at the same time and in the same manner as other delinquent lands are sold in said county. Delinquent lands to be sold

SECTION 16. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes as other real estate under this act. Subject to special taxes.

SECTION 17. All lands lying within the city limits not divided and laid out into lots, or lots and blocks, and all out lots not subdivided and numbered by such subdivision, which may be used, occupied, reserved or held for agricultural purposes, shall be assessed as farming land, and shall not be subject to any special taxes, except for the purchase of fire engines, cemetery grounds and public squares. Assessment of farming lands.

SECTION 18. No error or informality in the proceedings of any of the officers in assessing property, levying Errors not to vitiate levy.

or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself shall invalidate, or vitiate, or anywise affect the validity of the assessment or tax: *provided*, that this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council in the levying of a tax.

Special taxes for public improvements.

SECTION 19. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire engines, cemetery grounds, public squares, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people, and approved by them. Whenever the council shall recommend such a tax, they shall specify the amount to be raised, and the object thereof, and cause notice thereof, and of the time and place of voting thereon to be published in the same manner as in the case of the annual city election.

City orders to be promptly paid.

SECTION 20. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest for the supplying of funds to meet any deficiency in the treasury.

Treasurer to report deficiency in treasury.

SECTION 21. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council; thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit.

CHAPTER VIII.

May authorize fire companies, etc.

SECTION 1. The common council shall have power to authorize the formation of hook and ladder and hose companies and fire companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up.

CHAPTER IX.

May change boundaries of school districts.

SECTION 1. The common council shall have the power to change the boundaries of school districts situated within the limits of the city of Prairie du Chien;

to form new districts, and to do all things in relation to the alteration, formation or consolidation of school districts that the town board of supervisors can by law now do; and whenever any territory lying within the limits of the city of Prairie du Chien forms part of a school district, with territory outside of the limits of the city of Prairie du Chien, the common council shall have the power, with the concurrence of the town board of supervisors of the town in which part of such school district may be situated, to annex such territory lying within the limits of the city of Prairie du Chien to some district already existing in said city, or with such territory forming parts of school districts already organized within the city limits, to form a new school district. All and any laws of the state in reference to the alteration or formation of school districts in conflict with the provisions of this chapter are hereby repealed, so far as they may be applicable to defeat the provisions of this chapter.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

All work to be let by contract.

SECTION 1. All work for the city shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

Prosecutions for fire, etc.

SECTION 2. All actions brought to recover any property or forfeiture under this act, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. All prosecutions may be commenced by summons or by a warrant, as the exigencies of the case may seem to require: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting, without process, any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as such justice can reasonably hear and dispose of such offender.

Issuing of executions.

SECTION 3. Execution shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed according to the laws of this state. The execution, except in cases ex-contractu, shall require the

defendant in any such action, in case no goods or chattels, lands or tenements whereof the judgment can be found, to be imprisoned in the jail of Crawford county for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council or otherwise, according to law.

Not to work incompetency.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, on any proceeding or action in which the city shall be a party in interest.

Failure of election not to dissolve corporation.

SECTION 5. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the mayor; and if any of the duties enjoined by this act or the ordinances or by-laws of the city to be done by any officer, at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

How process to be served upon city.

SECTION 6. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, to take such other proceedings as the ordinances and resolutions of said council may provide.

May lease or hold real estate.

SECTION 7. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Not repealed by general laws.

SECTION 8. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

Representation in county boards.

SECTION 9. The city of Prairie du Chien shall be represented in the board of supervisors of the county of Crawford, by one supervisor from each ward, and the senior alderman in office shall be the supervisor from his respective ward. The alderman acting as supervisor shall have power to substitute any other alderman in his ward to act in his stead.

Malfeasance in office and its penalty.

SECTION 10. Every member of the common council of the city of Prairie du Chien, who shall directly or indirectly vote to himself, or knowingly to any other

person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as an inspector of elections, member of the board of registry, and as a member of the board of equalization, any member of the common council or other city officer, who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council, or other city officer, who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by information or complaint before the police justice or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court; and any contract made in violation of the provisions of this section shall be void.

Provisions for paupers.

SECTION 11. The paupers of said city shall be cared for in such manner as shall be provided by the common council of said city.

The issuing of licenses

SECTION 12. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the mayor and city clerk, and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk until the person applying for the same shall have deposited with the said clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the applicant shall have filed his receipt as aforesaid, together with bonds, as required by the laws of this state, which bonds shall be approved by the mayor, and a sum not less than the minimum sum, nor greater than the maximum sum fixed by the laws of this state to be paid for such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council, at each regular meeting thereof, the licenses theretofore issued by them and not before reported, and the council shall by vote approve or disapprove of the same. If the council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been re-

voked by action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time said license was in force.

County jail to be used by city.

SECTION 13. The use of the jail of Crawford county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible as in other cases; but the said county shall not incur or pay any liability or expense on account of any person committed to said jail, for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Private property not liable for public debts.

SECTION 14. No real or personal property of any inhabitant of said city or town, individual or corporation shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

How judgments against city officers collected.

SECTION 15. When a judgment shall be recovered against any officer of said city in any action prosecuted by or against him, in his name of office, where the same should be paid by the city, no execution shall be issued or awarded upon such judgment, except as hereafter provided; but the same, unless reversed, shall be levied and collected as other city charges, and when so collected, shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if the payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on special application therefor.

Aldermen not eligible to other city offices—orders not to be discounted.

SECTION 16. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt for less than the amount expressed upon the face thereof.

May grant pardons.

SECTION 17. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper; he shall commu-

nicate any such action to the council at its next meeting, with his reasons therefor.

SECTION 18. The common council shall have power to appropriate a sum not exceeding five hundred dollars annually, for the purpose of repairing and maintaining highways leading into the city, which shall be expended under the direction of the common council. **Appropriation to repair bridges.**

SECTION 19. This act is hereby declared a public act, and shall be liberally construed in all courts of this state. **Public act.**

SECTION 20. All acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue in or pursuance of the said acts, or any former act incorporating said city, or any of them, but the same shall exist, and be enforced and carried out, and be completed as fully and effectually to all intents and purposes as if this act had not been passed. **Not to affect contracts, etc.**

SECTION 21. This act shall take effect and be in force from and after its passage.

Approved February 26, 1873.

CHAPTER 60.

[*Published February* 28, 1873.]

AN ACT to facilitate the collection of money owing from school districts to the trust funds of this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In addition to the statements now required by law of a school district applying for a loan from any or the trust funds of this state, there shall be furnished, if the application be from a joint district, a statement showing the assessed valuation of such district in its several parts, so that the valuation of so much of it as lies in any town of which it is a part may be readily known. And such statement, together with the statement in aggregate now required by law, shall be **How joint districts to make application for loan of trust funds.**

taken as the true valuation by the secretary of state, until an amended statement is made.

Secretary of state to furnish statements.

SECTION 2. The secretary of state shall, in every year, furnish to the county clerk of each county in this state, in which lies any school district or part of district which has effected a loan from any of the trust funds, the amount which will be due from such district at the same time that he furnishes to that officer a statement of the state tax. It shall be the duty of the county clerk on receiving such statement, to include the amount due from such district in his apportionment of state taxes to the town, but it shall be carried out in a separate column, and the district from which it is due shall be specified. The town clerk shall charge such amount on his tax roll, to the district upon which it belongs, and the tax shall be collected by the town treasurer, and paid with the state tax to the county treasurer who shall pay it to the state treasurer with the state taxes. And similarly in the case of joint districts, the amount due from such part of the district as lies in any town shall be collected in the same manner as above provided in cases where the district lies wholly in one town.

Town clerk to charge amount to proper districts.

SECTION 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 26, 1873.

CHAPTER 61.

[*Published February* 28, 1873.]

AN ACT to amend section one of chapter forty-three of the general laws of 1872, entitled "an act requiring county treasurers to make an annual statement of moneys paid to town treasurers, and for other purposes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter forty-three of the general laws of 1872, entitled "an act requiring county treasurers to make an annual statement of moneys paid to town treasurers, and for other purposes," is hereby amended by striking out the words, "when so instructed

to do by a standing resolution of the county board of supervisors of any such county," in the second, third and fourth lines of said section, and by striking out the word, "treasurer," in the sixth line of said section, and inserting in lieu thereof the word, "clerks," so that the section as amended will read as follows: Section 1. It shall be the duty of the county treasurer of every county of this state to make annually, on the third Monday in March in each year, and forward to the town, village and city clerks, a certified statement showing the amount of money paid from the county treasury during the year next preceding, to the treasurer of such town, which statement shall specify the date of each payment, the amount of such payment, and the account upon which such payment is made.

Shall make and forward annual statements.

SECTION 2. This act shall take effect and be in force from and after the passage and publication thereof.

Approved February 26, 1873.

CHAPTER 62.

AN ACT to amend an act entitled "an act to incorporate the Wisconsin Odd Fellows Mutual Life Insurance Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That section five of the act to incorporate the Wisconsin Odd Fellows Mutual Life Insurance Company, approved February 18, 1869, be and the same is hereby amended, by striking out, after the word, "designate," in the second line, the words, "on the third Tuesday in the month of December, in each year," and insert in lieu thereof the words, "and at such time in each year as they shall determine by resolution or by-law."

Amended.

SECTION 2. There shall be added to said act the following, to stand as section eleven: The present board of directors shall provide, at their next meeting, for the annual termination of the office of three of their members as directors, and for the annual election of three directors to be chosen from among and by the members of the company, under such restrictions, rules, regulations and by-laws as the said board shall deter-

Annual election of directors.

mine and adopt, and all parts of said act inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 26, 1873.

CHAPTER 63.

[*Published February* 28, 1873.]

AN ACT to repeal chapter thirty-six of the private and local laws of 1870, relative to the protection of fish in the waters of Fox Lake, in the town of Fox Lake, in the county of Dodge, and state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter thirty-six of the private and local laws of 1870 is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1873.

CHAPTER 64.

[*Published February* 28, 1873.]

AN ACT to amend sections thirteen and fourteen, chapter five hundred and thirty-seven of the general laws of 1865, entitled, "an act to dispose of the swamp and overflowed lands, and the proceeds therefrom."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—county treasurer shall execute bond.

SECTION 1. Section thirteen of chapter five hundred and thirty-seven of the general laws of 1865 is hereby amended so as to read as follows: Each county treasurer receiving a sum of more than five hundred dollars, before receiving the moneys directed to be paid to him in the next preceding section of this act, or any part thereof, shall execute to the chairman of the county board of supervisors of said county, a bond, with two or more sureties, to be approved by the said chairman by endorsement over his official signature on

said bond, in a penal sum of not less than double the amount of such money as shall come into his hands for disbursement to the respective towns in his county by reason of this act, conditioned for the faithful disbursement of all such moneys in such manner as shall be prescribed by this act, which bond shall be delivered to the clerk of the county board of supervisors of said county, to be filed in his office.

Amended—town treasurer shall execute bond.

SECTION 2. Section fourteen of said chapter is hereby amended to read as follows: It shall be the duty of the county treasurers respectively, immediately upon receipt of the drainage moneys belonging to their respective counties, to give notice in writing to the treasurer of each town in such county, of the amount of money received by such county treasurer, apportioned to such town. Each town treasurer, when the sum exceeds two hundred dollars, before receiving the drainage moneys, or any part thereof belonging to the town of which he is treasurer, shall execute to the chairman of the town board of supervisors of such town, a bond, with two or more sureties to be approved by said chairman by endorsement over his official signature on said bond, in a penal sum of not less than double the amount of such moneys as shall come into his hands by reason of this act, conditioned for the faithful application and disbursement of all such moneys, in such manner as shall be prescribed by this act, which said bond he shall deliver to the town clerk of said town, to be filed in his office.

SECTION 3. This act shall take effect from and after its passage.

Approved February 26, 1873.

CHAPTER 65.

[*Published February* 28, 1873.]

AN ACT to increase the salaries of circuit judges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary increased.

SECTION 1. In lieu of the salary now provided by law, judges of the circuit court shall, when entering upon a new term of office after the passage of this act,

be entitled to receive a salary of three thousand dollars a year. A sum sufficient to pay the expense incurred under the provisions of this act is hereby annually appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1873.

CHAPTER 66.

[*Published March* 3, 1873.]

AN ACT to repeal chapter ninety-five of the private and local laws of 1872, entitled "an act to establish a board of review of assessments for the city of Stevens Point," and repealing all acts inconsistent therwith, and to re-enact the laws thereby repealed.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. That chapter ninety-five of the private and local laws of 1872, entitled "an act to establish a board of review of assessments for the city of Stevens Point," and repealing all acts inconsistent therewith be, and the same is hereby repealed, and that all acts and parts of acts repealed by said chapter ninety-five, creating and relating to a board of review of assessments for said city of Stevens Point be, and the same are hereby re-enacted, restored and declared to be in full force and effect.

Re-enacted.

SECTION 2. This act shall take and effect be in force from and after its passage.

Approved February 27, 1873.

CHAPTER 67.

[*Published March* 3, 1873.]

AN ACT to legalize the publication of the notices of election in the counties of Burnett and Bayfield.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The publication of the sheriff's notice of election for the general election of 1872, for the county of Burnett, as published in the Polk County Press, and for the county of Bayfield, as published in the Ashland Press, are hereby legalized. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1873.

CHAPTER 68.

[*Published March* 3, 1873.]

AN ACT to amend the city charter of the city of Berlin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and twenty-eight of the private and local laws of 1870, entitled an act to amend chapter three hundred and six of the private and local laws of 1866, entitled an act to consolidate and amend the act to incorporate the city of Berlin, and the several acts amendatory thereof, is hereby amended by inserting after the word, "enterprise," in the seventeenth line of said section, the following words: "Or to take stock in any manufacturing business to be carried on at said city." Section nine of said chapter three hundred and twenty-eight is hereby amended by striking out the word, "north" in the seventh line thereof, and inserting in lieu thereof the word, "south." And sections two, three, four, five, six and seven of said chapter three hundred and twenty-eight are hereby repealed, and all the provisions of chapter five of chapter three hundred and six of the private and local laws of 1866, entitled an act to con- Amended. Repealed.

solidate and amend the act to incorporate the city of Berlin, and the several acts amendatory thereof, are hereby restored, re-enacted and declared to be in full force.

Amended.

SECTION 2. Chapter four of said chapter three hundred and six of the private and local laws of 1866 is hereby amended by adding thereto the following new sections, in addition to those embraced in said section one of chapter three hundred and twenty-eight of the private and local laws of 1870, viz: Section 14. The city council of said city are hereby authorized to enter into any contract or take any conveyance which they may deem expedient and for the general good, relative to any lands now used and laid out for cemetery purposes by C. A. Mathers, Esq., of said city, and adjoining the cemetery in said city, and after the execution of any such contract or conveyance, it shall be lawful for said city council to use or permit to be used such lands for cemetery purposes. Section 15. All moneys collected in said city under the provisions of the excise laws of this state for licenses issued to dealers in intoxicating liquors, shall be paid into and belong to the general fund of the treasury of said city, and shall be used for the support of the city poor of said city, so far as said city council shall deem to be necessary; the balance to belong to the general city fund of said city.

May enter into contract.

License moneys to be paid into general fund.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1873.

CHAPTER 69.

[*Published March* 4, 1873.]

AN ACT to divide the eighth ward of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Eighth ward divided, and eleventh ward formed.

SECTION 1. All the territory now included in the eighth ward of the city of Milwaukee, which lies north of the center of Railroad street, shall hereafter constitute and be the eighth ward of the city of Milwaukee. And all the territory now included in the eighth ward of said city, which lies south of the center of said Railroad street, shall constitute and be the eleventh ward of said

city; and said eighth and eleventh wards hereby created, shall have all the rights, privileges, immunities and powers, and be subject to the same laws, regulations and ordinances as the other wards in said city.

Election of aldermen in said ward.

SECTION 2. At the next annual charter election in the city of Milwaukee, there shall be elected in each of the said wards hereby created, one alderman, who shall hold his office for the term of one year, and two councilors, one of whom shall hold his office for the term of one year, and one of whom shall hold his office for the term of two years; and annually thereafter there shall be elected in each of said wards, one alderman, who shall hold his office for the term of one year, and one councilor who shall hold his office for the term of two years; and it shall be the duty of the common council of said city to appoint the usual number of inspectors of election in each of said wards, and to designate and provide suitable places for holding the elections therein.

Of other officers

SECTION 3. There shall also be elected in each of said wards, at the next annual charter election in said city, one justice of the peace, one constable and one supervisor, each of whom shall hold his respective office for the term of years and in the manner now provided by law.

How justices' dockets to be kept.

SECTION 4. The dockets and all other papers in suits required by law to be kept by justices of the peace, and heretofore belonging in the eighth ward of said city, shall hereafter be kept in the possession of the justice of the eighth ward hereby created, and the justice of the peace of the eleventh ward hereby created, shall, when elected and qualified, begin a new docket.

Apportionment of ward indebtedness.

SECTION 5. It shall be the duty of the city comptroller to apportion the amount of city indebtedness now charged to the eighth ward, between the eighth and eleventh wards hereby created, in proportion to the respective equalized assessment rolls for the year 1873, and all real estate lying north of the center of Railroad street, and which, prior to the passage of this act, belonged to the eighth ward of said city, shall hereafter belong to the eighth ward hereby created; and the said eighth ward hereby created shall pay to the said eleventh ward, the sum of two thousand dollars, as a compensation for the right, title and interest of said eleventh ward in said real estate; and said amount shall be assessed on the property of the eighth ward hereby created, at the next levy of taxes which is made after the passage hereof. The city comptroller

shall also apportion the ward fund of the eighth ward between the eighth and eleventh wards hereby created, in the ratio of the equalized assessment rolls for the year 1873.

SECTION 6. This act shall take effect and be in force from and after 31st day of March, A. D. 1873.

Approved February 27, 1873.

CHAPTER 70.

[*Published March* 4, 1873.]

AN ACT to divide the fifth ward of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Boundaries of the fifth and eleventh wards.

SECTION 1. All the territory bounded as follows, to wit: Commencing at a point in the center line of first avenue, on the present boundary line between the fourth and fifth wards of the city of Milwaukee; thence east on the boundary line between said fourth and fifth wards to the Milwaukee river; thence easterly along the center line of the Milwaukee river and the straight cut harbor, to the eastern boundary line of the city of Milwaukee; thence south on said eastern boundary line of the city of Milwaukee to a point when [where] said line is intersected by the south line of section thirty-three (33), township seven, range twenty-two east, extended; thence west along the said south line of said section number thirty-three extended, and the south line of section thirty-three and thirty-two, and along township line in Railroad street to center line of first avenue; thence north along the center line of first avenue to the point of commencement, shall hereafter constitute and be the fifth ward of the city of Milwaukee, and all the territory now included in the said fifth ward of the city of Milwaukee, which lies south of the south line of the fifth ward hereby constituted, shall hereafter constitute and be the twelfth ward of the city of Milwaukee; and the said fifth and twelfth wards shall have all the rights, privileges, immunities and powers, and be subject to all laws, regulations and ordinances as other wards of said city.

Election of ward officers.

SECTION 2. All the ward officers of the fifth ward, as heretofore existing, all residing in the fifth ward

hereby constituted, shall continue to hold their offices as officers of the fifth ward hereby constituted, as if this act had not been passed. And at the annual charter election next to be held in the said city, there shall be elected such officers in addition to those holding over as are required by law, and at the next annual charter election to be held in said city, there shall be elected in the twelfth ward hereby created, one alderman, one councilor to hold his office for one year, one councilor to hold his office for two years, one justice of the peace, one supervisor, one constable and such other ward officers as may be required by law, to be elected in each ward of the said city, and all the laws and ordinances of the said city relating to wards of the said city, shall apply to the fifth ward as hereby constituted, and to the twelfth ward as hereby created as separate and distinct wards of the said city: *provided, however*, that the present officers of the fifth ward, as heretofore existing, shall have authority to act in and for both wards hereby constituted and created, until the next annual charter election of the said city.

Division of ward property.

SECTION 3. All property, real and personal, owned or appertaining to the fifth ward of said city, as heretofore existing, shall belong and appertain exclusively to the fifth ward as hereby constituted, and in lieu thereof, and as compensation therefor, the fifth ward of the said city as hereby constituted, shall pay to the twelfth ward hereby created, the sum of ten thousand dollars, to be levied and collected as a ward tax on all real and personal property subject to taxation in the fifth ward as hereby constituted, four thousand dollars thereof in the year 1873, two thousand dollars thereof in the year 1874, two thousand dollars thereof in the year 1875, and two thousand dollars thereof in the year 1876.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved February 27, 1873.

CHAPTER 71.

[*Published March* 4, 1873.]

AN ACT to authorize the secretary of state to purchase four thousand additional copies of an index to the laws of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall purchase additional copies.

SECTION 1. The secretary of state is hereby authorized and required to purchase four thousand copies of a synoptical index in addition to those heretofore ordered, which index shall include all laws, general, private and local, passed by the territorial and state legislatures, including the laws passed at the present session of the legislature, and which index shall be examined and approved by the attorney general, and all the copies of said index shall be bound in good first-class paper covers, and delivered to the secretary of state on or before July 1st, 1873, to be distributed in such manner as the legislature may direct.

Shall give receipt and audit claim.

SECTION 2. The secretary of state shall give a written receipt for the copies of the work delivered, and upon the beginning of the next fiscal year, shall audit the claim for such additional copies, in the sum of three thousand and five hundred dollars, which shall be in full payment for the same: *provided*, that no portion of the moneys appropriated under this act shall be paid until a full and complete title to the said synoptical index, and the copy-right to publish the same, shall be vested in the state of Wisconsin.

Appropriated.

SECTION 3. There is hereby appropriated out of any money in the state treasury belonging to the general fund, not otherwise appropriated, payable on or after the first day of February, 1874, a sum sufficient to defray the expenses authorized by this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 28, 1873.

CHAPTER 72.

[*Published March* 8, 1873.]

AN ACT to amend section one of chapter twenty of the general laws of 1866, entitled "an act to provide for the annual publication of a legislative manual."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—shall cause manual to be printed.

SECTION 1. Section one of chapter twenty of the general laws of 1866 is hereby amended so as to read as follows: Section 1. It shall be the duty of the secretary of state to cause to be prepared and printed by the state printer, annually hereafter, for the use of the senate and assembly, a book to be denominated a "Manual," which shall contain "Jefferson's Manual," the rules and orders of the senate and assembly, joint rules of the senate and assembly, list of senators and assemblymen, and employes of each house, diagrams of the senate and assembly chambers, statistical and other information of the same description with that contained in the books heretofore procured by clerks of the two houses respectively, with such other matter as may be deemed useful.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1873.

CHAPTER 73.

[*Published March* 4, 1873.]

AN ACT to facilitate the settlement of the estates of deceased persons, and to amend sections five and seven of chapter one hundred and one of the revised statutes, entitled "of the payment of debts and legacies of deceased persons."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—time fixed for allowance of accounts.

SECTION 1. Section five of chapter one hundred and one of the revised statutes, entitled "of the payment of debts and legacies of deceased persons," is hereby amended so as to read as follows: Section 5.

The county court shall allow such time as the circumstances of the case shall require for the creditors to present their claims to the commissioners for examination and allowance, which time shall not, in the first instance, exceed one year, nor be less than four months, and the time allowed shall be stated in the commission. But if the time allowed shall be less than six months, the first publication of notice to creditors shall be made within ten days from the date of the order fixing the time.

Amended—court may allow further time.

SECTION 2. Section seven of said chapter one hundred and one is hereby amended so as to read as follows: Section 7. On the application of a creditor who has failed to present his claim, if made within two months from the time previously limited, the court may, for good cause shown, renew the commission and allow further time, not exceeding one month, for the commissioners to examine such claim, in which case the commissioners shall personally notify the parties of the time and place of hearing, and within ten days, shall make return of their doings to the county court.

Settlement with executors.

SECTION 3. Two months after the time allowed to creditors to present their claims, every executor or administrator shall render his account of his administration; and the county court shall thereupon, by order, direct and command the said executor or administrator to proceed forthwith to a final settlement of the estate in the manner prescribed by law, unless it shall appear upon proof duly made:

Exceptions.

1. That the personal assets in the hands of the executor or administrator are not sufficient to pay the debts of the deceased, and that it is necessary to sell the real estate to pay such debts; or

2. That an appeal has been taken from an allowance of the commissioners or county judge, and is pending and undetermined; or

3. That a contingent claim has been presented, exhibited and allowed; or

4. That the debts due to the estate have not been collected; or

5. That it would be advantageous to the estate to allow the executor or administrator further time to make a final settlement.

Final settlement to be enforced.

SECTION 4. If an order shall be made directing and commanding the executor or administrator to proceed forthwith to a final settlement, the county court shall, at the same time, make an order or judgment, if any claims have been proven, for the payment of the debts according to law. If any executor or administrator

shall neglect, delay or refuse to comply with the order directing and commanding him to proceed forthwith to a final settlement, the county court shall attach him as for a contempt.

SECTION 5. This act, so far as it may be applicable, shall apply to all estates now in process of administration. Application.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1873.

CHAPTER 74.

[*Published March* 3, 1873.]

AN ACT to authorize improvement companies to have a lien on logs, timber or lumber.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Every company in this state, incorporated for the improvement of rivers or streams, whose charter authorizes the collection of tolls on logs, timber or lumber for said improvement, driving or any other work done on and about said logs, shall have a lien on said logs, timber or lumber for said tolls, and shall have the right, by their officers or authorized agent, to seize and hold the same, and proceed to collect the tolls due thereon, according to chapter one hundred and fifty-four of the general laws of 1862 of this state, and the several acts amendatory thereof. Shall have lien for toll.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1873.

CHAPTER 75.

[*Published March* 4, 1873.]

AN ACT to reduce the price of certain swamp and overflowed lands in Monroe county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May reduce price of lands.

SECTION 1. The commissioners of school and university lands are hereby authorized and required to reduce at once the price of the following swamp and overflowed land, now owned by the state, to wit: the southeast quarter of the southeast quarter of section thirty-four (34), township nineteen (19) north, range one (1) west, in Monroe county, in the state of Wisconsin, to the uniform price of one dollar and twenty-five cents per acre; and said commissioners are hereby authorized and empowered to sell said land at said price of one dollar and twenty-five cents per acre.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1873.

CHAPTER 76.

[*Published March* 4, 1873.]

AN ACT to amend chapter one hundred and forty-three of the revised statutes, entitled "of waste."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—may maintain action for waste

SECTION 1. Section nine of chapter one hundred and forty-three of the revised statutes of 1858 is hereby amended so as to read as follows: Section 9. Whenever any lands or tenements shall be sold by virtue of a power of sale in a mortgage, or by virtue of a judgment of foreclosure and sale upon which redemption is authorized after sale, the person to whom a certificate of sale may be executed pursuant to such sale, by the officer making the same, may maintain an action for waste against any person for any waste committed by such person on the premises after such sale.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1873.

CHAPTER 77.

[*Published March* 4, 1873.]

AN ACT to prevent the use of imperfect copies of papers in legal actions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Service of letter press copies illegal.

SECTION 1. It shall hereafter be unlawful for any officer whose duty it may be to make and certify or serve any copy of any paper, process, pleading or notice, in any legal action, to make such copy by a letter press imprint upon thin or tissue paper, or to certify or serve any such copy. And the service of any such copy, in any action or proceeding, by any officer, party or attorney, shall be held invalid, illegal and of no effect.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1873.

CHAPTER 78.

[*Published March* 4, 1873.]

AN ACT to amend sections seventeen and eighteen of chapter one hundred and thirty of the general laws of 1868, entitled "an act to provide for the assessment of property for taxation, and the levy of taxes thereon."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—shall place aggregate valuation of personal property upon assessment roll

SECTION 1. Section seventeen of chapter one hundred and thirty of the general laws of 1868, is hereby amended so as to read as follows: Section 17. The board of assessors shall place upon the assessment roll, opposite the name of each person liable to assessment on per-

sonal property, the aggregate valuation of all personal property, owned by himself or his wife, or which he has in charge or possession as lessee, occupant, agent, parent, guardian, executor, administrator, trustee, assignee or receiver, which is liable to taxation, such aggregate valuation to be fixed according to the best judgment and belief of said board. To determine the amount of personal property, except moneys, notes, bonds, mortgages or other securities owned by any person liable to taxation, said board of assessors or any of them, may examine such person under oath, as to all items of personal property, as aforesaid owned or possessed by him or her, and the true value thereof. And should any person refuse to testify under oath, before said board of assessors or any one of them, as to the items and value of his or her property, or should the assessors or any one of them, or the board of review, desire further evidence, they may call upon other persons as witnesses to give evidence under oath as to the items and value of the personal property of such persons. In determining the amount of moneys, notes, bonds, mortgages or other securities owned or held by any person, and the amount of indebtedness which any person may be entitled to deduct from credits, such person shall be required to make a statement thereof, under oath, giving the average amount of such moneys, notes, bonds, mortgages or other securities owned or held by him or her, and the average amount of indebtedness which he or she may be entitled by law to deduct from such credits for each and every month during the year ending on the first day of May in which the assessment is made, and the average amount of such moneys, notes, bonds, mortgages or other securities for such year, determined as aforesaid, shall be assessed for taxation. Any person making a false statement under oath before said assessors, or any one of them. or the board of review, shall be deemed guilty of perjury.

Amended—shall add to aggregate valuation.

SECTION 2. Section eighteen of said chapter one hundred and thirty of the general laws of 1868, is amended so as to read as follows: Section 18. All articles of personal property shall, as far as practicable, be valued by the assessor upon actual view, and after arriving at the total valuation of all articles of personal property which they shall be able to discover as belonging to any person, if they have reason to believe that such person has other personal property, consisting of interest accrued on bonds or other securities, which are exempt by law from taxation, or any other

thing of value liable to taxation, they shall add to such aggregate valuation of personal property, an amount which, in their judgment, will render such aggregate valuation a just and equitable valuation of all the personal property liable to taxation belonging to such persons.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1873.

CHAPTER 79.

[*Published March* 4, 1873.]

AN ACT to authorize the city of Appleton to issue bonds for the purpose of purchasing a steam fire engine and apparatus, and building an engine house for said city, and to repeal chapter fifty-nine of the private and local laws of 1872.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Appleton is hereby authorized to make, execute and issue a series of bonds of said city, not to exceed twelve in number, of the denomination of one thousand dollars each, to be numbered from one to twelve, and said bonds to be dated severally at such time or times as the same shall be issued. The principal of said bonds shall be payable in one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve years respectively, after the date thereof, to such person or persons as may be entitled to receive the same, and shall be payable at the city of New York, at such bank or office as the said council shall determine, and such bonds shall have interest coupons attached, and shall bear interest from the date thereof respectively, until the principal thereof shall be paid, at the rate of seven per cent. per annum, payable in the city of New York, at such bank or office as the said council shall determine, annually after the date thereof, on the presentation and surrender of the several interest coupons thereto attached. Said bonds shall be signed by the mayor of said city and countersigned by the clerk of said city, and shall have the seal of said city thereto attached.

May issue bonds.

When and where payable.

Shall prescribe form.

SECTION. 2. The common council of said city shall, before the issuing of any such bonds, prescribe and adopt the form thereof, and determine the amount to be issued, and the time or times when the same shall bear date.

Shall be good and valid.

SECTION 3. Such bonds, when issued in accordance with the provisions of this act, shall be good and valid according to the terms and provisions thereof, and payable as therein provided.

How proceeds to be applied.

SECTION 4. The proceeds of said bonds shall be applied by said common council to the purchase of a steam fire engine and apparatus, and to building an engine house for said city.

Shall levy annual tax.

SECTION 5. The said common council is hereby authorized and required to levy annually upon the taxable property of said city, in addition to all other taxes, a sufficient tax to pay the amount of principal and interest that shall become due upon such bonds, until the whole thereof shall be paid.

Repealed.

SECTION 6. Chapter fifty-nine of the private and local laws of the year 1872 is hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1873.

CHAPTER 80.

[*Published March* 5, 1873.]

AN ACT to appropriate a sum of money therein named for the use of the Institute for the Education of the Deaf and Dumb, for the payment of current expenses from April 1st, 1873, to February 1st, 1874.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the general fund, not otherwise appropriated, the sum of twenty-eight thousand and five hundred dollars, in full for the payment of the current expenses at the Institute for the Education of the Deaf and Dumb, from April 1st, 1873, to February 1st, 1874.

When payable.

SECTION 2. All sums for current expenses shall be drawn from the treasury not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of the general laws for the year 1873.

Approved March 4, 1873.

CHAPTER 81.

[*Published March* 6, 1873.]

AN ACT to authorize the county superintendents of schools of county school superintendent district number two of the county of Fond du Lac, to hold his examinations of teachers in the city of Fond du Lac.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county superintendent of schools of the county school superintendent district number two of the county of Fond du Lac, is hereby authorized to hold his examinations of teachers in the city of Fond du Lac. Where examinations to be held.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1873.

CHAPTER 82.

[*Published March* 5, 1873.]

AN ACT to pay L. F. Kellogg, clerk of the supreme court, a certain sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of one hundred and fifty-three dollars and fifty cents, to L. F. Kellogg, for payment of his account against the state for costs in criminal and state cases for 1871 and 1872. Appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1873.

CHAPTER 83.

[*Published March* 5, 1873.]

AN ACT to provide for the cancellation of certain county orders.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall present list of county orders.

SECTION 1. At each annual session of the several county boards of supervisors in this state, the clerk of said board shall prepare and present to the board a descriptive list, giving date, amount and payee of all county orders drawn, which shall have remained in his office two years uncalled for by said payee. The board shall cause such orders to be compared with such list, and when found or made correct, such list shall be filed and preserved in the office of such clerk, and all such orders shall be cancelled and destroyed.

May have new order issued.

SECTION 2. The person entitled to any such order, (excepting orders provided for in chapter 153, laws of 1868), may, upon application to the chairman and clerk of the board, have a new order issued to him for the amount of the original order, without interest, at any time within six years from the date of the original order, and not afterwards.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1873.

CHAPTER 84.

[*Published March* 5, 1873.]

AN ACT to organize the county of Barron for judical purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall choose county officers.

SECTION 1. For the purpose of perfecting the organization of the county of Barron for all civil purposes, there shall be chosen in said county by the qualified electors thereof, at the general election to be held on the Tuesday next succeeding the first Monday in November next, besides officers to be then elected

under the present organization of said county, such other elective county officers not hitherto by law provided for said county, as pertain and are common to counties in this state, fully organized for judicial, as well as other purposes.

SECTION 2. The regular term of office of the officers so elected shall commence on the first Monday of January, in the year 1874, and thereupon and thenceforth the said county of Barron shall be fully organized for judicial purposes as well as for all county purposes, and shall be no longer attached to the county of Dunn for judicial purposes. When term of office to commence.

SECTION 3. After the organization of said county as above provided, there shall be two terms of the circuit court held therein in each year, at the following time, to-wit: On the first Monday of March, and on the first Monday of September, but there shall be no petit jury drawn or summoned for the March term of the circuit court for the said county of Barron: *provided* the judge of the circuit of which said county is a part, may, in his discretion, by an order to be filed with the clerk of the circuit court of said county, at least thirty days before any such September term, direct the drawing and summoning of such jury for such term; and thereupon a jury shall be drawn and summoned accordingly, as provided by law in other cases. But nothing herein contained shall be construed to abridge the power of the court to issue a special venire in the cases provided by law. Terms of the circuit court.

Approved March 4, 1873.

CHAPTER 85.

[*Published March* 6, 1873.]

AN ACT to prevent the improper disposal of property by agents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. If any clerk, agent or servant of any person, corporation or company, shall knowingly and wilfully sell, convey or deliver any article of personal property contrary to the written or printed instructions of, or agreement with, his employer, and who has been Shall follow instructions of employer.

furnished a copy of such written or printed instructions or agreement, and whereby his employer sustains any damage or loss by such clerk, agent or servant, selling, conveying or delivering any such article of personal property contrary to such written or printed instructions or agreement, any violation of such written or printed instructions or agreement, with intent to defraud his employer, is hereby declared to be a misdemeanor, and such clerk, agent or servant shall, upon conviction of any violation of this act, be punished by a fine not less than twenty-five dollars, and not more than five hundred dollars, or by imprisonment in the county jail not to exceed one year, at the discretion of the court, or by both fine and imprisonment.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1873.

CHAPTER 86.

[*Published March* 6, 1873.]

AN ACT to amend section thirty-three of chapter sixteen of the private and local laws of 1872, entitled "an act to incorporate the city of Eau Claire."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—shall submit question of free bridge to vote.

SECTION 1. Section thirty-three (33) of chapter sixteen (16) of the private and local laws of 1872, is hereby amended by adding to said section the following: "*and provided further*, that the common council of said city shall have the power, at any time, to submit to a vote of the qualified electors of said city, in such manner and at such time as said council shall direct, the question of making said bridge a free bridge; and whenever, at any such election, a majority of all the votes cast upon such question shall be in favor of making said bridge free, then the common council of said city shall have the power, by ordinance, to make and declare said bridge free for the passage thereon of all persons and property, without the payment of any toll or charge therefor."

SECTION 2. All acts and parts of acts contravening or conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1873.

CHAPTER 87.

AN ACT granting to Albert Taylor the right to establish and maintain a ferry across the Mississippi river from some point above the limits of the village of Alma in Buffalo county, and the mouth of the Chippewa river in Buffalo county, to the opposite shore in the state of Minnesota.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Albert Taylor, his associates, heirs and assigns shall have the exclusive right to establish and maintain for the period of fifteen years, a ferry across the Mississippi river from some point above the limits of the village of Alma in Buffalo county, and below the mouth of the Chippewa river, in Buffalo county, to the opposite shore, in the state of Minnesota. **Right to establish ferry.**

SECTION 2. The said Albert Taylor, his associates, heirs or assigns shall, within one year from the passage of this act, place and maintain at such point, such good and sufficient boat or boats as may be necessary to carry across said Mississippi river all teams, horses, cattle, and other property, and for the accommodation of foot passengers, and shall at all times give prompt attendance on passengers and teams, at least ten hours per day, and at all hours of the day or night for foot passengers, but persons crossing said ferry at night may be charged double the rates hereinafter prescribed. **Shall furnish good boats.**

SECTION 3. The said Albert Taylor, his heirs, associates or assigns may land their boats, passengers or property at and upon any public highway which now does or may hereafter terminate within the point specified in section one (1) of this act upon the lands of any person or persons who may give their consent so to do. **May land passengers on public highway.**

SECTION 4. The rates charged for crossing at said ferry shall not exceed the following: For each vehicle drawn by two horses, mules or oxen, loaded or unloaded, with or without a driver, the sum of fifty cents. For cattle, horses or mules in droves, the sum of fifteen cents each. For each foot passenger, the sum of ten cents. For swine or sheep in droves, the sum of five **Rates of ferriage.**

cents each. On all freight, merchandise or other property, not in teams, at the rate of twenty-five cents per hundred pounds, when the same is delivered by one person, and does not exceed two hundred pounds; and for any excess of two hundred pounds, at the rate of ten cents per thousand pounds; on all lumber at the rate of fifty cents per hundred feet: *provided, however*, that double the above rates may in all cases be charged between the hours of seven o'clock, P. M., and five o'clock, A. M.; *and provided further*, that all passengers, stock and freights that may hereafter be required by any railroad company to be transferred or transported across said river at that point, shall be carried by said Taylor at one-half of the above fare and charges.

Penalty for illegal ferriage.

SECTION 5. In case the said Albert Taylor, his associates, heirs or assigns, or any ferryman or other person employed by them, shall take, exact or receive any greater or higher rate of ferriage than is allowed by this act, the said Albert Taylor, his associates, heirs or assigns shall be liable to the party aggrieved, in the sum of ten dollars for every such act, to be recovered before any justice of the peace having jurisdiction over the same.

Exclusive right

SECTION 6. In case any other person or persons shall, after the establishment of said ferry, set up, keep or maintain any ferry or shall carry any person's goods or chattels for hire or pay, across said Mississippi river from any point within the points mentioned in section two of this act, every such person shall, for each and every such offense, forfeit and pay the sum of ten dollars, to be recovered as aforesaid by the person entitled by law to sue for and recover the same: *provided*, that nothing in this act shall be so construed as to prevent any railroad company or companies from establishing or maintaining a ferry or bridge within the limits mentioned in section one, for the transaction of their own business only.

Shall file bond.

SECTION 7. The said Albert Taylor, his associates, heirs and assigns shall, within one year from the passage of this act, file or cause to be filed with the clerk of Buffalo county, a bond to the supervisors of said county, with two or more sufficient sureties, to be approved by the treasurer of said Buffalo county, in the sum of two thousand dollars, conditioned that the said Taylor, his heirs and assigns will fulfill all the duties imposed upon him by this act; and if he shall fail to file said bond, he shall forfeit all the benefits that might accrue to him from this act.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1873.

CHAPTER 88.

AN ACT to establish a ferry across the Mississippi river at the village of Victory, in Vernon county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That J. B. Wilcox, his associates, heirs and assigns shall have the exclusive right and privilege, for the period of ten years, of keeping and maintaining a ferry across the waters of the Mississippi river, at the village of Victory, in Vernon county, Wisconsin, and for two miles up and one mile down said river, from said village. **Exclusive right to maintain ferry.**

SECTION 2. The said J. B. Wilcox, his associates or assigns shall, within one year from the passage of this act, place and maintain at the aforesaid place, such good and sufficient boat or boats as may be necessary to carry across said river all teams, horses, cattle or other property, and for the accommodation of foot passengers, and shall run said ferry boat with such passengers as may wish to take passage thereon across said river, at least once each day, when the passage of the river shall not be obstructed with ice, and to that end, shall start from said point at some hour in each day set by him, and a notice of which time shall be kept posted up in some conspicuous place in said boat, and also in said village, and all persons crossing said river after night may be charged double the fare hereinafter prescribed: *provided*, that foot passengers shall be ferried across said river at all times and hours when desiring the same. **Shall furnish good boats.**

SECTION 3. The said J. B. Wilcox, his associates and assigns may land their boats, passengers and property on any public highway which now does or hereafter may terminate within the points above specified, or on the lands of any person or persons owning the same, they having first procured permission of said owners so to do. **May land passengers on public highway.**

Shall file bond.

SECTION 4. The said J. B. Wilcox, his associates or assigns shall, within one year from the passage of this act, file or cause to be filed with the clerk of the said county of Vernon, a bond to the supervisors of said county, with two or more sufficient sureties, to be approved by the county treasurer of said Vernon county, in the sum of one thousand dollars, conditioned that they will fulfill all the duties imposed upon them by this act, and in case they shall fail to file said bond, they shall forfeit all the benefits that might accrue to them from its passage.

Penalty for neglect of duty.

SECTION 5. That for every neglect to keep a good and sufficient boat or boats, or failure to give prompt and due attendance upon all persons wishing to cross said ferry, the aforesaid corporation shall forfeit a sum not exceeding ten dollars, to be recovered by and for the use of said county in a civil action before any justice of the peace of said county, and they shall be liable for all damages that may accrue to any person by reason of their neglect to comply with, and perform the duties imposed upon them by this act, to be recovered before any justice of the peace in the state.

Rates of ferriage.

SECTION 6. The rates charged for crossing said ferry shall not exceed the following rates, except to those crossing between the hours of 8 o'clock, P. M., and 5 o'clock, A. M.: For each foot passenger, twenty-five cents; for each horse, mare, or mule, with or without rider, fifty cents; for each two horse, two mule or two ox team, loaded or unloaded, with or without driver, one dollar; for each single horse and carriage, with or without passengers, sixty cents; for each additional horse, mare, mule, cow or ox, fifteen cents; for each swine or sheep, five cents. All freights of merchandise, or other articles not in teams, at the rate of twenty cents per hundred pounds, when the same, delivered by one person, shall not exceed two hundred pounds, and for any excess over two hundred pounds, at the rate of ten cents per hundred weight, and one dollar per thousand feet for lumber.

Penalty for demanding illegal rates.

SECTION 7. If said parties, their heirs or assigns or any ferryman or other person employed by them shall take, exact or receive, any greater or higher rate of ferriage for transporting persons, goods or chattels, or other things whatsoever, than is allowed by this act, the said corporator, his heirs or assigns shall be liable to the party aggrieved in the sum of five dollars for every such act, which may be recovered before any justice of the peace of said county.

SECTION 8. If any person or persons shall, after the establishment of the said ferry as aforesaid, set up, keep or maintain any ferry, or shall carry any persons, goods or chattels for hire or pay, across the Mississippi river, from any place on the east side or shore of the waters of said river, within the points above specified, every such person shall, for every such offense, forfeit and pay the sum of ten dollars, to be recovered as aforesaid, by and for the use of any person entitled by law to sue for the same. Penalty for infringement of right.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1873.

CHAPTER 89.

AN ACT to amend chapter three hundred and sixty-five of the laws of Wisconsin, approved April 24, 1864, entitled an act to incorporate the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, and chapter one hundred and five of the general laws of 1868, entitled an act to accept the grant of land made to the state of Wisconsin by congress to aid in the construction of the Sturgeon Bay and Lake Michigan Ship Canal and Harbor, in the county of Door, to connect the waters of Green Bay with Lake Michigan, and to provide for the construction of the same, approved March 5, 1868.

WHEREAS, By chapter three hundred and sixty-five of the laws of Wisconsin of 1864, approved April 24, 1864, the "Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company" was made a body corporate, with power to borrow money on notes, bonds, mortgages, or other papers or securities, and were empowered to proceed to locate, construct and build a ship canal in Door county, Wisconsin, between the head of Sturgeon Bay and Lake Michigan, connecting the waters of said Bay with said Lake Michigan, and to construct a breakwater and harbor on the lake shore at the mouth of said canal; and by section eight and subsequent sections of said act of incorporation above mentioned, said company, by its directors, were authorized and empowered, among other things, to regulate tolls and charges, to be made upon all boats, vessels, steamboats and other craft used for the transportation of freight and passengers on and along the canal of said company, so proposed to be built, and yet were Preamble.

not in express language empowered to mortgage said canal and the net tolls and income thereof, to raise the money necessary for its construction, to which capitalists, having money to loan, make objection, as not being sufficiently definitive and certain; and

WHEREAS, Subsequently the congress of the United States passed an act, approved April 10, 1866, which act granted to the state of Wisconsin, for the purpose of aiding said state in constructing and completing a breakwater and harbor and ship canal to connect the waters of Green Bay with the waters of Lake Michigan, two hundred thousand acres of public lands, and which said act further declared that the said lands hereby granted shall be subject to the disposal of the legislature of said state, for the purposes aforesaid and for no other; and,

WHEREAS, The state of Wisconsin, by chapter one hundred and five of the laws of said state, approved March 5, 1868, entitled an act to accept the grant of lands made to the state of Wisconsin by congress to aid in the construction of the Sturgeon Bay and Lake Michigan Ship Canal and Harbor, in the county of Door, to connect the waters of Green Bay and Lake Michigan, and to provide for the construction of the same, did thereby accept said lands so granted by congress, and did declare, by section two of said act, that for the purposes of carrying out the objects of said act, the said lands are hereby granted and conferred upon the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company; and,

WHEREAS, Said lands so granted were required by congress to be selected from the public lands nearest to said canal, and from which the best selections of public lands had already been made years before; and,

WHEREAS, In consequence of very extensive trespasses committed through years past upon said lands so selected, estimated to amount in all to about one hundred millions of feet of the best pine timber upon them; and in consequence of the unprecedented fires of October, 1871, which destroyed so large a portion of the remaining pine and other timber upon said lands, their value has been greatly reduced, and cannot now be estimated or valued at more than $150,000 for the 200,000 acres of lands, if as much; which sum is wholly inadequate to the cost of constructing said canal, said cost being officially reported to the secretary of war in 1871, after a very

careful, complete and accurate survey by government engineers, to be on the cheapest line and route. From this sum, however, there may be deducted as follows, to wit:

	Deductions.	
Estimated cost	.....	$629,300
1st. The estimated cost of a perishable timber revertment on the sides of said canal not needed for years to come, if at all	$144,400	.....
2d. The net amount already received from timber trespasses and for burned and down timber sold over costs of collection and over costs of protection of said canal lands, as audited and settled by the state	23,240	.....
3d. The present full value of the 200,000 acres of lands granted by congress, after the damages committed by trespass, and by fire	150,000	.....
		317,240
Still leaving to be provided, to insure the completion of said canal, the sum of	.....	$312,060
To this sum must be added provisions for the expenses of preparing the mortgage and bonds proposed to be made and issued, and the expenses and commissions to be paid to effect the sale of the same, and the possible discount from par that it may be necessary to make, to effect the sale thereof in the money market, together with the interest that will accrue on a portion of the bonds sold pending the construction of said canal, amounting in all probably to $50,000; but to reduce these expenses to the minimum, and to limit the proposed mortgage or deed of trust on said canal to the sum of $350,000, and the interest thereon, call these items but		37,940
And it leaves to be provided by mortgage trust on canal income		$350,000

Which mortgage of $350,000 is the estimated amount necessary to be issued and used by said canal company in order to complete said canal, and which said mortgage and the bonds to be issued in connection therewith, said company respectfully ask of the legislature the power in express language, to secure upon said Sturgeon Bay and Lake Michigan Ship Canal and Harbor, and the net tolls and income thereof, and upon the lands granted by congress to aid in its construction until the same is fully repaid, with interest as in said mortgage and bonds to be provided, which legislation is also solicited and deemed expedient in order to remove the apprehensions and obstacles which capitalists might otherwise

find to the purchase of said bonds at their full value in the market; and,

WHEREAS, The extension by congress of the time for the completion of said canal expires on the tenth of April, 1874, leaving but one, the coming season, in which to complete the same before the land grant for its aid expires, and is withdrawn; and,

WHEREAS, Said Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company have, within the past year, accomplished about one-fourth part of the work of constructing said canal, and are now ready and desirous, with the proper and necessary legislative provisions and aid, to more definitely and conclusively arrange with the state of Wisconsin for the completion by said company of said canal (to the great benefit and relief of the increasing commerce of Green Bay and the lakes), by taking the aforesaid 200,000 acres of land granted in aid of said canal in part payment therefor, the same to be conveyed from time to time, by patents to said company as the work progresses, as such conveyance is now provided for in section four of chapter one hundred and five of the laws of 1868, hereinbefore mentioned and referred to, and also by said company's being authorized by the state to execute in addition, in order to provide funds for the balance of the further estimated cost of construction of said canal, a mortgage deed of trust upon said Sturgeon Bay and Lake Michigan Canal and Harbor, and the net tolls and income thereof, and also upon any part or all of said lands granted by congress as aforesaid, for said $350,000, the same, and the bonds in like amount to be issued in connection therewith, and to be secured thereby, to be and remain a lien upon said canal and harbor, and upon the said lands and the net tolls and income of said canal, until said bonds and the interest thereon as provided in said bonds and mortgage shall have been fully paid by the proceeds of the income of, or by the sale of said canal lands or otherwise. Beyond such authority of the state to said company to so mortgage and pledge said canal and lands, and the income thereof, the said state of Wisconsin is however in no wise or in any way to be held or made liable for the payment of principal or interest of said bonds, nor is recourse to be had to said state in any way, for or on account of said canal, or any liability thereof. Now, therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, made a body corporate by chapter three hundred and sixty-five of the laws of 1864, approved April 24, 1864, and now legally organized and engaged in carrying out the objects of its incorporation under said law, and the franchises powers and privileges by said act granted and conferred upon said company, and all of which said franchises, rights, powers and privileges are hereby declared to be extended and continued to said company, the same as originally conferred upon it by said act, and in order the better to enable said company promptly to proceed with the work of said canal, it is [they are] hereby authorized and empowered to make and execute a deed of trust or mortgage, with such provisions and conditions therein as they shall deem proper, and to issue bonds to be secured by said mortgage, for any sum not exceeding three hundred and fifty thousand dollars, and are authorized to secure said deed of trust or mortgage and the bonds issued in connection therewith upon the said Sturgeon Bay and Lake Michigan Ship Canal and Harbor, and upon the net tolls, revenues and income thereof, and also upon any part, or all of the lands heretofore granted by congress to the state of Wisconsin for the purpose of aiding said state in constructing and completing a breakwater and harbor and ship canal, to connect the waters of Green Bay at the head of Sturgeon Bay with the waters of lake Michigan: *provided*, that said mortgage shall not be or become a lien or incumbrance upon the lands above mentioned, or in any manner affect or impair the right, title or interest of the state of Wisconsin thereto or therein, except and until the said canal or parts of it is constructed as required by existing laws in relation thereto; *and provided further*, that whenever one-fourth, or one-half, or three-fourths part of the work of construction of said canal is performed by said company, or whenever they shall have completed the whole of said canal, the one-fourth, one-half, three-fourths or the whole of said lands, as the case may be, shall be conveyed to said company by the state of Wisconsin, or its proper officers as now provided by law, and when so conveyed, the same or any portion thereof shall thereafter be and become subject to any mortgage or deed of trust, said Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company shall already have

May execute deed of trust.

executed, or may thereafter execute or cause to be executed thereon, or on any portion thereof, for the better securing thereby of any bonds that may be issued by said company in connection with said mortgage, and to the extent and in the manner provided for in any such mortgage or deed of trust, and any mortgage or deed of trust which said company shall think proper or necessary for them to execute in aid of the construction of said canal, prior to the time of the construction of any part or of the whole of said canal shall be and become a lien on said lands and canal and on the net tolls and income thereof, as said work progresses or is completed as is herein provided, and not otherwise.

Denomination of bonds to be issued.

SECTION 2. The bonds to be issued by said company under and in accordance with and to be secured by the mortgage or deed of trust of said company above mentioned, may be issued in sums of not less than one hundred nor more than one thousand dollars, may draw such interest not exceeding ten per cent. per annum, payable semi-annually as said company may determine upon, and may be sold and disposed of by said company at, above or below par in their discretion in aid of the construction and completion of said canal and harbor. And in case said company shall fail to sell or otherwise dispose of said bonds satisfactorily, in time to complete and finish said canal and harbor as herein provided for, they may, but shall not be required hereby, to so complete the same.

SECTION 3. This act shall be published, and take effect immediately.

Approved March 5, 1873.

CHAPTER 90.

[*Published March* 11, 1873.]

AN ACT to confer certain benefits upon the Wisconsin State Agricultural Society, for the promotion of agriculture and the kindred arts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of two thousand dollars for the benefit of the State Agricultural Society, for the year 1873.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 91.

[*Published March* 11, 1873.]

AN ACT for the preservation of game in Sauk county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall not be lawful for any person to catch, kill or otherwise destroy, or pursue with the intent to catch, kill or destroy any prairie hen or chickens, partridge or quail, within the limits of the south assembly district of Sauk county for the term of two years from and after the passage of this act. Game laws—Sauk county.

SECTION 2. Any person offending against the provisions of the preceding section shall, upon being found guilty, suffer a penalty of five dollars and costs of suit for each and every prairie hen or chicken, partridge or quail so caught or killed, or any attempt to catch or kill such bird. Penalty for violation.

SECTION 3. This law shall go into effect and be in force after its passage and publication.

Approved March 8, 1873.

CHAPTER 92.

[*Published March* 11, 1873.]

AN ACT to provide for the purchase of thirteen hundred and twenty-six copies of the Legislative Manual for 1873, as contemplated by joint resolutions fourteen, assembly, and eleven, senate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized to purchase and distribute, as contemplated by May purchase Legislative Manual.

joint resolutions number fourteen, assembly, and eleven, senate, thirteen hundred and twenty-six copies of the Legislative Manual for the year 1873: *provided*, the cost thereof shall not exceed two dollars and fifty cents per copy, except those copies required by said resolutions to be bound in full morocco and lettered with names, the account for which the said secretary of state shall audit at the regular trade rates for such work.

Appropriated. SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to carry out the purposes of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 93.

[*Published March* 11, 1873.]

AN ACT to amend chapter four hundred and forty-nine of the private and local laws of 1860, entitled "an act to incorporate the city of Oconto."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended. SECTION 1. Section one of chapter two hundred and ninety of the private and local laws of 1870 is hereby amended so as to read as follows: Section 1. Section one of chapter two of said chapter four hundred and forty-nine is hereby amended as follows: Where the word, "April" occurs in the second line of said section, strike out the same and insert "May." Section two of chapter two of said act is hereby amended as follows: The elective officers of said city shall be a mayor, treasurer, assessor, city clerk and marshal, for the city at large, and for each ward one justice of the peace, one constable and two aldermen. Section one of chapter three of said act is hereby amended as follows: The treasurer shall receive for his services such salary as the common council shall direct, to be paid out of the general fund of said city, which salary shall in no case exceed the sum of one thousand dollars per annum, to be fixed by resolution of the common council, at least thirty days before the charter election in May, 1873, and annually thereafter, and not to be in-

Elective officers

Salary of treasurer.

creased or diminished during the term for which said treasurer shall be elected, which shall be in full for his services as city treasurer.

SECTION 2. Subdivision seventeen of section three of chapter four of chapter four hundred and forty-nine of said laws of 1869 is hereby amended so as to read as follows: 17th. To restrain and regulate runners, and solicitors for boats, vessels, stages, public houses, or other establishments, and to fix a license to be paid by peddlers and hawkers, not to be less than two dollars for each and every day occupied by them in selling or exposing for sale goods, wares and merchandise within said city of Oconto. Amended. Restrain runners etc.

SECTION 3. Section six of chapter eight of chapter four hundred and forty-nine of said laws of 1869 is hereby amended so as to read as follows: The board of equalization shall consist of the mayor, assessor and chairman of the board of aldermen of each ward. Amended—board of equalization.

SECTION 4. Sections eight, nine, eleven, twelve and thirteen of chapter eight of chapter four hundred and forty-nine of said laws of 1869 are hereby amended by striking out the words, "city comptroller" wherever they occur in said sections, and inserting the words, "city clerk," it being intended hereby to abolish the office of city comptroller. Amended.

SECTION 5. Section three of chapter nine of chapter four hundred and forty-nine of the private and local laws of 1869 is hereby amended as follows: Insert after the word, "engines" and before the word, "and" in the second line of said section three, the words, "and issue city bonds therefor." Amended.

SECTION 6. So much of chapter four hundred and forty-nine of the private and local laws of 1869, and of chapter two hundred and ninety of the private and local laws of 1870, as is inconsistent with the provisions of this act, is hereby repealed. Repealed

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 94.

[*Published March* 11, 1873.]

AN ACT to amend chapter one hundred and thirty-three of the revised statutes, "entitled of costs and fees."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

Sheriff's per diem.

SECTION 1. The twenty-second subdivision of section one, chapter one hundred and thirty-three of the revised statutes of Wisconsin is hereby amended so as to read as follows: "Attending upon the circuit or county court, three dollars per day to the sheriff, and two dollars each per day to the necessary deputies, to be paid out of the county treasury."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 95.

[*Published March* 11, 1873.]

AN ACT to repeal chapter eighty-seven of the private and local laws of 1872, entitled "an act to take or catch fish in Root river, in the counties of Milwaukee and Racine."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter eighty-seven of the private and local laws of 1872, entitled "an act to provide for the taking or catching of fish in Root river in the counties of Milwaukee and Racine," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 96.

[*Published March* 11, 1873.]

AN ACT to prevent a multiplicity of actions upon the same cause.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In any action brought by husband and wife to recover damages for any injury to the person of the wife by or through the act, procurement or negligence of the defendant, or for which the defendant is liable, it shall be competent for the plaintiffs to claim in the complaint, and thereupon to recover in the verdict and judgment in such action, all such damages as the husband and the wife might by separate actions have heretofore recovered for such injury. **May recover damages.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 97.

[*Published March* 11, 1873.]

AN ACT to amend subdivision four of section thirty-eight of chapter six of the revised statutes, entitled "of the public printing, and of the publication and distribution of statutes and other public documents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision four of section thirty-eight of chapter six of the revised statutes is hereby amended by inserting therein after the words, "the judge of the county court," where they occur in said subdivision four, the following words, to wit: "the judge of the municipal court of the city and county of Milwaukee;" also by inserting in said subdivision four after the words, "clerk of the circuit court," when they occur in said subdivision four, the following words, to wit: "the clerk of the municipal court of the city and county of Milwaukee." **Amended—county and municipal judges included**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1873.

CHAPTER 98.

[*Published March* 11, 1873.]

AN ACT to amend section thirteen of chapter one hundred and fifty-three of the revised statutes, entitled "of the lien of mechanics and others."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—judgment for damages and costs.

SECTION 1. Section thirteen of chapter one hundred and fifty-three of the revised statutes, is hereby so amended as to read as follows: Section 13. In all cases under the foregoing provisions of this chapter, whenever judgment shall be rendered in favor of the plaintiff, such judgment shall be for damages and costs of suit, including costs of filing the petition for lien.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 99.

[*Published March* 11, 1873.]

AN ACT to repeal chapter twenty-six of the general laws of 1864, entitled an act to amend chapter two hundred and six of the general laws of 1862, entitled "an act to amend section eight of chapter one hundred and twenty-three of the revised statutes, entitled "of the place of trial of civil actions."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter twenty-six of the general laws of 1869, entitled an act to amend chapter two hundred and six of the general laws of 1862, entitled "an act to amend section eight of chapter one hundred and twenty-three of the revised statutes, entitled "of the place of trial of civil actions," (*be and the same*) is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1873.

CHAPTER 100.

AN ACT to amend chapter fifty-four, private and local laws of 1870, entitled "an act to authorize William A. Thomas to keep and maintain a bridge across Black river."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter fifty-four, private and local laws of 1870, entitled "an act to authorize William A. Thomas to keep and maintain a bridge across Black river," is hereby amended so as to read in the fifth line of said printed law, "number six (6) west of" instead of "number four (4) west of." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1873.

CHAPTER 101.

AN ACT to restore Robert McAllister to the rights of citizenship.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Robert McAllister, of the town of Wrightstown, in Brown county, Wisconsin, is hereby restored to the rights of citizenship. Restored.

SECTION 2. This act shall take effect from and after its passage.

Approved March 8, 1873.

CHAPTER 102.

[*Published March* 11, 1873.]

AN ACT to authorize the city of Boscobel to construct a toll bridge across the Wisconsin river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May construct bridge and borrow money to pay for same.

SECTION 1. The city of Boscobel is hereby authorized to construct and maintain a bridge across the Wisconsin river, on sections twenty-two (22), twenty-three (23) and twenty-seven (27), town eight (8), range three (3) west, in Grant and Crawford counties, and as near the line of the Wingville and Viroqua state road as practicable, and for that purpose to borrow money and issue the bonds of the said city for the payment of the same, to such an amount as may be necessary, not exceeding twenty-five thousand dollars: *provided*, this act shall be ratified by a majority vote of the electors of said city, at a special election to be held as hereinafter provided. Said bridge shall not be less than sixteen (16) feet wide, and shall have a draw of at least fifty feet across the most navigable channel of the river, so constructed as at all times to admit the free passage of rafts, boats and vessels navigating said river, without unnecessary delay.

Debt to be authorized by vote.

Dimensions of bridge.

When bonds to be payable and rate of interest.

SECTION 2. The city bonds issued in pursuance hereof shall be payable in not less than three years nor more than sixteen years from the date thereof, and shall bear interest annually not exceeding ten per cent. per annum, and said bonds shall not be negotiated at a less sum than ninety cents on the dollar.

May make rules and regulations

SECTION 3. The said city is hereby authorized and empowered to make all needful rules and regulations about said bridge and the use of the same, and for the term of thirty years after the completion of said bridge, to demand and collect toll for crossing the same, at the following rates, or at such less rates as the mayor and common council of said city of Boscobel may designate or establish: for any vehicle drawn by one horse or other animal, twenty-five cents, and for each additional animal, ten cents; for any foot passenger, five cents; for every horse and rider, ten cents; for all animals in droves up to fifty head, two cents each, and for each animal over fifty, one cent each; and for hogs and sheep, there shall not be charged more than one cent a head.

Rates of toll.

SECTION 4. All funds arising from tolls or from the use of said bridge shall be paid over to the treasurer of the city of Boscobel at least once in each month, and shall be kept by him separate and apart from all other funds, and shall not be paid out except upon orders drawn on that specific fund. The funds arising from toll or the use of said bridge, after paying for the care and maintenance thereof, shall be applied as follows: First, to pay the yearly interest upon said city bonds, and thereafter, to redeem said bonds as fast as said funds will allow.

Application of funds arising from tolls.

SECTION 5. In case the revenue from the use of said bridge shall not be sufficient to pay the annual interest on said bonds, the mayor and common council of the city of Boscobel shall annually levy and collect a tax upon the taxable property of said city, in the same manner as other taxes are levied and collected, to pay said interest, or so much thereof as cannot be paid by the funds accruing from the use of said bridge, and the said mayor and common council of said city of Boscobel may levy taxes at such times as they may deem proper, in the same manner, to pay the principal of said bonds, that may not be realized from the revenue derivable from said bridge. The money thus raised shall be kept separate and apart from all other funds, and shall be applied for the purpose for which it was raised and no other.

If tolls not sufficient to pay interest, balance to be raised by tax.

SECTION 6. From and after the passage of this act, and until said bridge shall be fully completed and finished, it shall be placed under the control of three bridge commissioners, elected as hereinafter provided for, who shall have entire charge and superintendence of the work. It shall be their duty, as such bridge commissioners, to make all necessary contracts for the building of said bridge, and to see that such contracts are faithfully executed, to negotiate the sale of the bonds of the city of Boscobel on the best terms in their power, under the provisions of this act, and to apply the proceeds in paying the contractors upon said bridge, from time to time, according to the terms of said contract, and to make a report of their doings to the mayor and common council of said city once in each month or oftener, if required to do so by said mayor and common council. Said commissioners, before entering on their duties, shall give a bond to said city, with sufficient sureties, to be approved by the common council of said city, in a penalty at least equal to the amount of the bonds delivered to them, to secure the faithful performance of their duties. In case any of said com-

To be under control of bridge commissioners—their duties.

Shall give bonds.

How fill vacancies.

missioners die before the completion of said bridge, or should fail to give bonds as required in this act, or from any cause said commissioners should fail or neglect to act as such commissioners, it shall be the duty of the common council of the said city to elect by ballot a commissioner or commissioners to fill whatever vacancies may occur as aforesaid; and the term of office of said board of commissioners shall end with the completion of said bridge, and they shall have all the powers above specified in this section, and shall be subject to the requirements and liabilities herein named.

Term of office.

May appoint bridge commissioner and his duties.

SECTION 7. The mayor and common council of the said city, after the completion of said bridge, shall appoint (and may at their pleasure remove), a bridge commissioner, who shall have the general care of said bridge and superintendence thereof, and of its use and repairs, under such rules and regulations as shall be fixed by ordinance of said city. He shall also be required to give bonds to said city in such sum as the mayor and common council may direct, for the faithful performance of his duty, and to pay over, as required by law or the ordinances of said city, all moneys coming into his hands as such commissioner, which bond shall be filed with the clerk of said city.

Penalty for injury to bridge.

SECTION 8. Any person or persons who shall maliciously injure said bridge shall forfeit and pay to said city therefor a penalty not exceeding five hundred dollars, besides the actual damage done; and any person or persons who shall forcibly or fraudulently pass over said bridge without paying the legal toll, shall forfeit and pay a penalty to said city of the sum of five dollars, said penalties to be enforced and collected in the same manner as penalties for the violation of ordinances of said city.

May acquire real estate.

SECTION 9. The said city shall have the right to acquire any real estate required for the purpose of constructing said bridge, and for the necessary right of way, toll houses, and also to remove and use any dirt, gravel, stone or other material from any real estate necessary to be used in the construction and repair of said bridge, and to acquire the title thereto.

Proceedings for the valuation of lands required for the purpose of building the bridge.

SECTION 10. For the purposes of acquiring such title, the said city shall apply to the circuit judge of the circuit court of the fifth judicial circuit by petition, for the appointment of twelve jurors to view said premises, to determine whether it will be necessary to take the same for the purposes specified in said petition, and as hereinbefore provided; said petition shall be signed and verified by the mayor of said city, and shall con-

tain a description of the real estate or the land from which said dirt, stone, gravel or other material which said city seeks to acquire shall be taken, and that the same is necessary for the purposes of constructing, operating or repairing said bridge; the petition shall also state the names of the parties who are in possession of, or who own or have, or claim to own or have, an estate or interest of record in the said real estate. The petition shall be filed in the office of the clerk of the circuit court of the county in which the land is situated. A notice of the filing of such petition, and of the time when and place where the same will be presented, and application for the appointment of said jury made to said judge, referring by general description to the land to be taken, or from which the said dirt, gravel, stone or other material is to be taken, and addressed to the parties in possession, and the owners of said land as named in the petition, shall be personally served upon the said parties in possession and said owners, five days prior to the day of such application, and in case said owners cannot be found, the same shall be published in a newspaper published in the county where said land is situated, for one week prior to the day of such application.

Appointment of jurors to appraise value of lands.

SECTION 11. Upon presentation of said application and upon proof of publication or service of the notice hereinbefore required, the said judge shall thereupon appoint as jurors, twelve reputable freeholders, not residents of the said city, but residents of the county where said land is situated, and who are not interested in the result of said application. The said judge shall thereupon issue his precept directed to said jurors, requiring them within five days from the date thereof, to view said premises to be specified in said precept, and to make return to the common council whether in their judgment it is necessary to take said premises for the purposes specified in said application. If any juror so appointed shall be disqualified from acting or shall refuse to act at any time before the completion of their final award, the judge shall appoint others in their place, and a memorandum shall be endorsed on the precept.

Shall view premises.

SECTION 12. The said jurors, having first taken the oath hereinafter provided for, shall, at such times as they may agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors,

and either of the jurors shall be authorized to administer the necessary oath to witnesses.

Shall make report.

SECTION 13. After viewing the premises, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use; which said report, testimony and precept shall be returned to the common council within the time limited therein.

Shall again view premises to estimate damages.

SECTION 14. Should the jurors report that it is necessary to take such premises, the common council shall, if they approve such report, enter an order among their proceedings confirming said report, and directing the same jurors, within two days thereafter, or such further time as may be necessary, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what premises will be benefited by such taking, and to assess and return, within the time limited, such damages and benefits to the common council.

How buildings estimated.

SECTION 15. If there should be any buildings standing in whole or in part upon the lands to be taken, the jurors, before proceeding to make their appraisement, shall first estimate and determine the whole value of the land, and secondly the value of such buildings to remove.

Notice to owners of buildings

SECTION 16. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper published in the city, three successive weeks; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such buildings to be taken with the land appropriated, or of their intent to remove said buildings at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council may allow.

Sale of buildings, on notice.

SECTION 17. If the owner refuses to take the building at the value to remove, or fails to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of

such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer for the use of the owner, and shall thereafter be paid out to the owner on his application therefor.

Determination and appraisal of value of premises, and award of damages.

SECTION 18. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will, in their judgment, be benefited thereby. After hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them respectively, in consequence of the taking thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owner of such lands,) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Balance of damages and benefits.

SECTION 19. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case, be collected of them or payable to them.

Of different owners and of idcumbrances.

SECTION 20. If the lands or buildings belong to different persons, or be subject to lease, judgment, mortgage or other incumbrance, or if there be any estate in it less than an estate in fee to such person or interest respectively, the injury done shall be awarded to the person entitled thereto, by the jurors, less the benefits resulting to such interest respectively for the proposed improvement.

Shall apportion and assess the damages and expenses.

SECTION 21. Having ascertained the damages and expense of the proposed improvement as aforesaid, the jurors thall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto, from the proposed improve-

ment, as nearly as may be, and shall describe the real estate upon which their assessments may be made, and state the amount assessed upon each separate tract. The award of the said jurors shall be signed by them and returned, together with the testimony taken, to the common council, within the time limited in their order of appointment, and shall be final, unless appealed from in the manner hereinafter provided.

Land not to be used till damages are paid.

SECTION 22. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the parties interested shall be paid or tendered to them or their agents, or in case the said parties or agents cannot be found, or are unknown, deposited to their credit in some safe place of deposit to be determined by the common council, and then and not before, such lands may be taken and appropriated for the purpose required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out.

Covenants, contracts, etc. to be void.

SECTION 23. When the whole of any lot or tract of land or other premises under lease or other contract or incumbrance shall be taken by virtue of this act, all the covenants, contracts or liabilities relating to the same or any part thereof, shall, after the expiration of the time for appeal, as herein provided, respectively cease and be absolutely discharged.

When only part of lot is taken, covenants as to the part not taken to remain valid.

SECTION 24. When only a part of a lot or tract of land, or other premises so under lease or other contract or incumbrance, shall be taken for the purposes aforesaid, such covenants, contracts or incumbrances shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, liens and payments due from or on account shall be so apportioned that the part thereof justly [due] of the same and equitably payable for such residue and no more shall be paid or recoverable for, or in respect of the same.

Limit of time for payment of damages.

SECTION 25. The damages assessed on each separate lot or tract shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so paid, shall be void. The benefits so assessed from the expiration of the time for appeal shall become a lien upon the premises upon which they are assessed, and shall be collected therefrom as a special assessment, in the same

manner as other special assessments for city improvements are collected. The amount so collected shall be held by the city as a special fund for the payment of the damages aforesaid, and shall be paid out for that purpose and no other.

If lands are owned by infants, court may appoint guardians.

SECTION 26. When any known owner of lands or tenements, affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the circuit court aforesaid may, upon the application of the common council, or such party by his next friend, appoint a guardian for such party; and all notices required by this act shall be served upon such guardian, in the same manner as if he were the party interested.

Jurors shall take oath.

SECTION 27. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned, the county judge shall have the power to appoint new jurors in place of those who shall so neglect or refuse to serve.

Any party in interest may appeal.

SECTION 28. The city council, or any party interested, may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of the county in which said land is situated from the decision of said jurors, so far as it affects the interests of said appellants; notice of such appeal shall be filed by the appellant with the clerk of said court, within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court, in such manner as said court shall direct.

If damages and costs are increased, a new assessment shall be made.

SECTION 29. In case the total amount of damages and costs awarded by the jurors, and which formed the basis of their assessment, shall be increased by any proceedings subsequent to the return of said assessment to the common council, and founded therein, such additional sum shall, as soon as such proceedings are finally determined, be assessed by the city clerk, under the direction of the mayor and common council, upon the land upon which the first assessment was made, in the same proportion as such first assessment, and shall be cancelled in the same manner.

Special meeting may be held upon a written petition and notice.

SECTION 30. A special meeting shall be held in said city for the purpose mentioned in section one of this act, upon a written petition to the clerk thereof, signed by five or more qualified electors of said city, which petition shall set forth the purposes for which said special meeting is asked by the petitioners, and it is hereby made the duty of said clerk, upon presentation to him of said petition, to cause a special meeting of the qualified electors of said city, by posting notices of the same in three or more public and conspicuous places in said city, stating the time when, and designating the hour and place where said meeting will be held, and the object of the same; which notice shall be so posted not less than five days previous to the time appointed for holding said special meeting. Said meeting shall be held at the place of holding the annual city elections in said city, and shall be opened and conducted in the manner provided in the charter of said city for holding annual city elections, and the vote shall be by ballot, upon which ballot shall be written or printed, "for the bridge," or "against the bridge," and if at such meeting, the greatest number of votes cast shall be "for the bridge," the rights and powers granted in and by this act to said city shall become absolute, and the said city shall be authorized and empowered to enforce the same.

How meeting conducted.

Form of ballot.

If majority is "for the bridge" special meeting for election of bridge commissioners may be called.

SECTION 31. In case the greatest number of votes cast at the meeting hereinbefore provided for shall be "for the bridge," then a special meeting shall be held in said city for the purpose mentioned in section six of this act, upon a written petition to the clerk of said city signed by five or more qualified electors of said city, which petition shall set forth the purposes for which said special meeting is asked by the petitioners; and it is hereby made the duty of said clerk, upon presentation to him of said petition, to cause a special meeting of the qualified electors of said city, by posting notices of the same in three or more public and conspicuous places in said city, stating the time when, and designating the hour and place where said meeting will be held, and the object of the same; which notice shall be so posted not less than five days previous to the time appointed for holding said special meeting. Said meeting shall be held at the place of holding the annual city elections in said city, and shall be opened and conducted in the manner provided in the charter of said city for holding annual city elections.

SECTION 32. This act shall take effect and be in force from and after its passage.

Approved March 8, 1873.

CHAPTER 103.

[*Published March* 11, 1873.]

AN ACT to reduce the price of swamp and overflowed lands in Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of the school and university lands are hereby authorized and required to reduce at once the price of all swamp and overflowed lands in the county of Columbia to the uniform price of fifty cents per acre: *provided*, the above reduction shall not apply to any of said lands now under contract, and which may hereafter become forfeited to the state, until the expiration of two years after such forfeiture.

Shall reduce price of swamp and overflowed lands.

SECTION 2. All swamp and overflowed lands in said county of Columbia, which shall remain unsold on the first day of July, 1873, shall be conveyed by the commissioners of school and university lands to the several towns in said county in which the lands lie, for the purpose of aiding such towns in the construction of roads and bridges.

Shall be conveyed to towns.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

How fill vacancies.

missioners die before the completion of said bridge, or should fail to give bonds as required in this act, or from any cause said commissioners should fail or neglect to act as such commissioners, it shall be the duty of the common council of the said city to elect by ballot a commissioner or commissioners to fill whatever vacancies may occur as aforesaid; and the term of office of said board of commissioners shall end with the completion of said bridge, and they shall have all the powers above specified in this section, and shall be subject to the requirements and liabilities herein named.

Term of office.

May appoint bridge commissioner and his duties.

SECTION 7. The mayor and common council of the said city, after the completion of said bridge, shall appoint (and may at their pleasure remove), a bridge commissioner, who shall have the general care of said bridge and superintendence thereof, and of its use and repairs, under such rules and regulations as shall be fixed by ordinance of said city. He shall also be required to give bonds to said city in such sum as the mayor and common council may direct, for the faithful performance of his duty, and to pay over, as required by law or the ordinances of said city, all moneys coming into his hands as such commissioner, which bond shall be filed with the clerk of said city.

Penalty for injury to bridge.

SECTION 8. Any person or persons who shall maliciously injure said bridge shall forfeit and pay to said city therefor a penalty not exceeding five hundred dollars, besides the actual damage done; and any person or persons who shall forcibly or fraudulently pass over said bridge without paying the legal toll, shall forfeit and pay a penalty to said city of the sum of five dollars, said penalties to be enforced and collected in the same manner as penalties for the violation of ordinances of said city.

May acquire real estate.

SECTION 9. The said city shall have the right to acquire any real estate required for the purpose of constructing said bridge, and for the necessary right of way, toll houses, and also to remove and use any dirt, gravel, stone or other material from any real estate necessary to be used in the construction and repair of said bridge, and to acquire the title thereto.

Proceedings for the valuation of lands required for the purpose of building the bridge.

SECTION 10. For the purposes of acquiring such title, the said city shall apply to the circuit judge of the circuit court of the fifth judicial circuit by petition, for the appointment of twelve jurors to view said premises, to determine whether it will be necessary to take the same for the purposes specified in said petition, and as hereinbefore provided; said petition shall be signed and verified by the mayor of said city, and shall con-

tain a description of the real estate or the land from which said dirt, stone, gravel or other material which said city seeks to acquire shall be taken, and that the same is necessary for the purposes of constructing, operating or repairing said bridge; the petition shall also state the names of the parties who are in possession of, or who own or have, or claim to own or have, an estate or interest of record in the said real estate. The petition shall be filed in the office of the clerk of the circuit court of the county in which the land is situated. A notice of the filing of such petition, and of the time when and place where the same will be presented, and application for the appointment of said jury made to said judge, referring by general description to the land to be taken, or from which the said dirt, gravel, stone or other material is to be taken, and addressed to the parties in possession, and the owners of said land as named in the petition, shall be personally served upon the said parties in possession and said owners, five days prior to the day of such application, and in case said owners cannot be found, the same shall be published in a newspaper published in the county where said land is situated, for one week prior to the day of such application.

Appointment of jurors to appraise value of lands.

SECTION 11. Upon presentation of said application and upon proof of publication or service of the notice hereinbefore required, the said judge shall thereupon appoint as jurors, twelve reputable freeholders, not residents of the said city, but residents of the county where said land is situated, and who are not interested in the result of said application. The said judge shall thereupon issue his precept directed to said jurors, requiring them within five days from the date thereof, to view said premises to be specified in said precept, and to make return to the common council whether in their judgment it is necessary to take said premises for the purposes specified in said application. If any juror so appointed shall be disqualified from acting or shall refuse to act at any time before the completion of their final award, the judge shall appoint others in their place, and a memorandum shall be endorsed on the precept.

Shall view premises.

SECTION 12. The said jurors, having first taken the oath hereinafter provided for, shall, at such times as they may agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors,

and either of the jurors shall be authorized to administer the necessary oath to witnesses.

Shall make report.

SECTION 13. After viewing the premises, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use; which said report, testimony and precept shall be returned to the common council within the time limited therein.

Shall again view premises to estimate damages.

SECTION 14. Should the jurors report that it is necessary to take such premises, the common council shall, if they approve such report, enter an order among their proceedings confirming said report, and directing the same jurors, within two days thereafter, or such further time as may be necessary, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what premises will be benefited by such taking, and to assess and return, within the time limited, such damages and benefits to the common council.

How buildings estimated.

SECTION 15. If there should be any buildings standing in whole or in part upon the lands to be taken, the jurors, before proceeding to make their appraisement, shall first estimate and determine the whole value of the land, and secondly the value of such buildings to remove.

Notice to owners of buildings

SECTION 16. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper published in the city, three successive weeks; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such buildings to be taken with the land appropriated, or of their intent to remove said buildings at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council may allow.

Sale of buildings, on notice.

SECTION 17. If the owner refuses to take the building at the value to remove, or fails to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of

such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer for the use of the owner, and shall thereafter be paid out to the owner on his application therefor.

Determination and appraisal of value of premises, and award of damages.

SECTION 18. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will, in their judgment, be benefited thereby. After hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them respectively, in consequence of the taking thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owner of such lands,) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Balance of damages and benefits.

SECTION 19. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case, be collected of them or payable to them.

Of different owners and of incumbrances.

SECTION 20. If the lands or buildings belong to different persons, or be subject to lease, judgment, mortgage or other incumbrance, or if there be any estate in it less than an estate in fee to such person or interest respectively, the injury done shall be awarded to the person entitled thereto, by the jurors, less the benefits resulting to such interest respectively for the proposed improvement.

Shall apportion and assess the damages and expenses.

SECTION 21. Having ascertained the damages and expense of the proposed improvement as aforesaid, the jurors thall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto, from the proposed improve-

ment, as nearly as may be, and shall describe the real estate upon which their assessments may be made, and state the amount assessed upon each separate tract. The award of the said jurors shall be signed by them and returned, together with the testimony taken, to the common council, within the time limited in their order of appointment, and shall be final, unless appealed from in the manner hereinafter provided.

Land not to be used till damages are paid.

SECTION 22. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the parties interested shall be paid or tendered to them or their agents, or in case the said parties or agents cannot be found, or are unknown, deposited to their credit in some safe place of deposit to be determined by the common council, and then and not before, such lands may be taken and appropriated for the purpose required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out.

Covenants, contracts, etc. to be void.

SECTION 23. When the whole of any lot or tract of land or other premises under lease or other contract or incumbrance shall be taken by virtue of this act, all the covenants, contracts or liabilities relating to the same or any part thereof, shall, after the expiration of the time for appeal, as herein provided, respectively cease and be absolutely discharged.

When only part of lot is taken, covenants as to the part not taken to remain valid.

SECTION 24. When only a part of a lot or tract of land, or other premises so under lease or other contract or incumbrance, shall be taken for the purposes aforesaid, such covenants, contracts or incumbrances shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, liens and payments due from or on account shall be so apportioned that the part thereof justly [due] of the same and equitably payable for such residue and no more shall be paid or recoverable for, or in respect of the same.

Limit of time for payment of damages.

SECTION 25. The damages assessed on each separate lot or tract shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so paid, shall be void. The benefits so assessed from the expiration of the time for appeal shall become a lien upon the premises upon which they are assessed, and shall be collected therefrom as a special assessment, in the same

manner as other special assessments for city improvements are collected. The amount so collected shall be held by the city as a special fund for the payment of the damages aforesaid, and shall be paid out for that purpose and no other.

If lands are owned by infants, court may appoint guardians.

SECTION 26. When any known owner of lands or tenements, affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the circuit court aforesaid may, upon the application of the common council, or such party by his next friend, appoint a guardian for such party; and all notices required by this act shall be served upon such guardian, in the same manner as if he were the party interested.

Jurors shall take oath.

SECTION 27. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned, the county judge shall have the power to appoint new jurors in place of those who shall so neglect or refuse to serve.

Any party in interest may appeal.

SECTION 28. The city council, or any party interested, may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of the county in which said land is situated from the decision of said jurors, so far as it affects the interests of said appellants; notice of such appeal shall be filed by the appellant with the clerk of said court, within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court, in such manner as said court shall direct.

If damages and costs are increased, a new assessment shall be made.

SECTION 29. In case the total amount of damages and costs awarded by the jurors, and which formed the basis of their assessment, shall be increased by any proceedings subsequent to the return of said assessment to the common council, and founded therein, such additional sum shall, as soon as such proceedings are finally determined, be assessed by the city clerk, under the direction of the mayor and common council, upon the land upon which the first assessment was made, in the same proportion as such first assessment, and shall be cancelled in the same manner.

Special meeting may be held upon a written petition and notice.

SECTION 30. A special meeting shall be held in said city for the purpose mentioned in section one of this act, upon a written petition to the clerk thereof, signed by five or more qualified electors of said city, which petition shall set forth the purposes for which said special meeting is asked by the petitioners, and it is hereby made the duty of said clerk, upon presentation to him of said petition, to cause a special meeting of the qualified electors of said city, by posting notices of the same in three or more public and conspicuous places in said city, stating the time when, and designating the hour and place where said meeting will be held, and the object of the same; which notice shall be so posted not less than five days previous to the time appointed for holding said special meeting. Said meeting shall be held at the place of holding the annual city elections in said city, and shall be opened and conducted in the manner provided in the charter of said city for holding annual city elections, and the vote shall be by ballot, upon which ballot shall be written or printed, "for the bridge," or "against the bridge," and if at such meeting, the greatest number of votes cast shall be "for the bridge," the rights and powers granted in and by this act to said city shall become absolute, and the said city shall be authorized and empowered to enforce the same.

How meeting conducted.

Form of ballot.

If majority is "for the bridge" special meeting for election of bridge commissioners may be called.

SECTION 31. In case the greatest number of votes cast at the meeting hereinbefore provided for shall be "for the bridge," then a special meeting shall be held in said city for the purpose mentioned in section six of this act, upon a written petition to the clerk of said city signed by five or more qualified electors of said city, which petition shall set forth the purposes for which said special meeting is asked by the petitioners; and it is hereby made the duty of said clerk, upon presentation to him of said petition, to cause a special meeting of the qualified electors of said city, by posting notices of the same in three or more public and conspicuous places in said city, stating the time when, and designating the hour and place where said meeting will be held, and the object of the same; which notice shall be so posted not less than five days previous to the time appointed for holding said special meeting. Said meeting shall be held at the place of holding the annual city elections in said city, and shall be opened and conducted in the manner provided in the charter of said city for holding annual city elections.

SECTION 32. This act shall take effect and be in force from and after its passage.

Approved March 8, 1873.

CHAPTER 103.

[*Published March* 11, 1873.]

AN ACT to reduce the price of swamp and overflowed lands in Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of the school and university lands are hereby authorized and required to reduce at once the price of all swamp and overflowed lands in the county of Columbia to the uniform price of fifty cents per acre: *provided*, the above reduction shall not apply to any of said lands now under contract, and which may hereafter become forfeited to the state, until the expiration of two years after such forfeiture.

Shall reduce price of swamp and overflowed lands.

SECTION 2. All swamp and overflowed lands in said county of Columbia, which shall remain unsold on the first day of July, 1873, shall be conveyed by the commissioners of school and university lands to the several towns in said county in which the lands lie, for the purpose of aiding such towns in the construction of roads and bridges.

Shall be conveyed to towns.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

Special meeting may be held upon a written petition and notice.

SECTION 30. A special meeting shall be held in said city for the purpose mentioned in section one of this act, upon a written petition to the clerk thereof, signed by five or more qualified electors of said city, which petition shall set forth the purposes for which said special meeting is asked by the petitioners, and it is hereby made the duty of said clerk, upon presentation to him of said petition, to cause a special meeting of the qualified electors of said city, by posting notices of the same in three or more public and conspicuous places in said city, stating the time when, and designating the hour and place where said meeting will be held, and the object of the same; which notice shall be so posted not less than five days previous to the time appointed for holding said special meeting. Said meeting shall be held at the place of holding the annual city elections in said city, and shall be opened and conducted in the manner provided in the charter of said city for holding annual city elections, and the vote shall be by ballot, upon which ballot shall be written or printed, "for the bridge," or "against the bridge," and if at such meeting, the greatest number of votes cast shall be "for the bridge," the rights and powers granted in and by this act to said city shall become absolute, and the said city shall be authorized and empowered to enforce the same.

How meeting conducted.

Form of ballot.

If majority is "for the bridge" special meeting for election of bridge commissioners may be called.

SECTION 31. In case the greatest number of votes cast at the meeting hereinbefore provided for shall be "for the bridge," then a special meeting shall be held in said city for the purpose mentioned in section six of this act, upon a written petition to the clerk of said city signed by five or more qualified electors of said city, which petition shall set forth the purposes for which said special meeting is asked by the petitioners; and it is hereby made the duty of said clerk, upon presentation to him of said petition, to cause a special meeting of the qualified electors of said city, by posting notices of the same in three or more public and conspicuous places in said city, stating the time when, and designating the hour and place where said meeting will be held, and the object of the same; which notice shall be so posted not less than five days previous to the time appointed for holding said special meeting. Said meeting shall be held at the place of holding the annual city elections in said city, and shall be opened and conducted in the manner provided in the charter of said city for holding annual city elections.

SECTION 32. This act shall take effect and be in force from and after its passage.

Approved March 8, 1873.

CHAPTER 103.

[*Published March* 11, 1873.]

AN ACT to reduce the price of swamp and overflowed lands in Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of the school and university lands are hereby authorized and required to reduce at once the price of all swamp and overflowed lands in the county of Columbia to the uniform price of fifty cents per acre: *provided*, the above reduction shall not apply to any of said lands now under contract, and which may hereafter become forfeited to the state, until the expiration of two years after such forfeiture.

Shall reduce price of swamp and overflowed lands.

SECTION 2. All swamp and overflowed lands in said county of Columbia, which shall remain unsold on the first day of July, 1873, shall be conveyed by the commissioners of school and university lands to the several towns in said county in which the lands lie, for the purpose of aiding such towns in the construction of roads and bridges.

Shall be conveyed to towns.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 104.

[*Published March* 13, 1873.]

AN ACT to amend section one of chapter eighty five of the general laws of 1867, relating to elections and the return and canvass of votes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—manner of making canvass of votes.

SECTION 1. Section one of chapter eighty-five of the general laws of 1867 is hereby amended so as to read as follows: On the Tuesday next succeeding the election, or as soon after the election as all the returns are received, not later than the Tuesday above mentioned, the clerk of the board of supervisors shall take to his assistance two associate canvassers, who may be selected from the following named officers of the county, viz.: the justices of the peace, the board of supervisors, the county judge and register of deeds, who, together with said clerk, shall constitute a board of county canvassers, and shall proceed to open said returns and make an estimate and statement of the votes as follows: they shall make a separate statement, written and [out] in words at length, containing the whole number of votes given in such county for officers of governor, lieutenant governor, secretary of state, treasurer, attorney general, state superintendent, state prison commissioner, and representative in congress; the names of the persons to whom such votes were given, and the number of votes given to each; another similar statement of the votes given for electors of president and vice president; another of the votes given for senator, when the county alone does not constitute a senate district; another of the votes given for member of assembly, when the county alone does not constitute an assembly district; another of the votes given for county officers, and another of the votes given for senators and members of the assembly when the county constitutes one or more senate or assembly districts, specifying the number of votes for each person for senator and member of assembly in each such district respectively: *provided*, that nothing in this act contained shall be construed to repeal or modify any part of chapter eighty-five of the general laws of 1867, as amended by chapter nineteen of the general laws of 1868.

Shall make separate statements.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 105.

[*Published March* 13, 1873.]

AN ACT to amend section one and section eight, and repeal section ten of chapter sixty-six of the general laws of 1870, entitled "an act to provide for the government and management of the Industrial School for Boys."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of said chapter sixty-six shall be amended so as to read as follows: "The Wisconsin Industrial School for Boys, at Waukesha, shall be the place of confinement and instruction of all male children between the ages of ten and sixteen years, who shall be legally committed to the said Wisconsin Industrial School for Boys, as vagrants, or on the conviction of any criminal offense, or for incorrigible or vicious conduct, by any court having competent authority to make said commitment."

Amended—shall be a place of confinement and instruction.

SECTION 2. Section eight of said chapter sixty-six shall be amended so as to read as follows: "The courts and several magistrates in any county in this state may, in their discretion, sentence to the Wisconsin Industrial School for Boys, any such male child who may be convicted before them as a vagrant, or of any petit larceny or misdemeanor, and the several courts may, in their discretion, send to the said Wisconsin Industrial School for Boys, any such male child who may be convicted before them of any offense which under the existing laws would be punishable by imprisonment in the state prison, and the said several courts may, in their discretion, commit to the said Wisconsin Industrial School for Boys, any male child within the ages specified in section one of this act, upon complaints and due proof made to said court or magistrate by the parents or guardian of such child, that by reason of incorrigible or vicious conduct, such child is beyond the control and power of such parents or guardian, and that a due regard for the morals and welfare of such

Amended—jurisdiction of the courts and magistrates.

child manifestly required that he should be committed to the guardianship of the managers of the Wisconsin Industrial School for Boys: *provided*, in all cases, the terms of commitment shall not be less than to the age of twenty-one years.

Repealed.

SECTION 3. Section ten of said chapter sixty-six is hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 106.

[*Published March* 14, 1873.]

AN ACT to organize the county of Ashland for judicial purposes.

The people of the state of Wisconsin, represented in senate assembly, do enact as follows:

Organized for judicial purposes.

SECTION 1. On and after the first day of August, one thousand eight hundred and seventy-three, the county of Ashland shall be fully organized for judicial purposes, as well as for all county purposes, and shall no longer be attached to the county of Bayfield for judicial purposes.

Terms of court fixed.

SECTION 2. After the organization of said county as above provided, there shall be two terms of the circuit court held therein in each year, at the following times, to wit: On the first Tuesday after the first Monday of January, and on the third Monday of July. But there shall be no petit jury drawn or summoned for the January term of the circuit court for the said county of Ashland: *provided*, the judge of the circuit of which said county is a part, may in his discretion by an order to be filed with the clerk of the circuit court of said county, at least thirty days before any such January term, direct the drawing and summoning of such jury for such term, and thereupon a jury shall be drawn and summoned accordingly, as provided by law in other cases.

When petit jury to be summoned.

Not to abridge power of the judge.

SECTION 3. Nothing contained in this act, nor in any act heretofore passed, relating specially to courts in the eleventh judicial circuit, shall be construed to abridge the power of the judge under any other law to direct the drawing and summoning of a grand jury, nor

of the court to issue a special venire in the cases provided by law.

Clerk, attorney and sheriff to be appointed by the governor.

SECTION 4. To make effectual the organization aforesaid, and to provide necessary county officers for the purposes thereof, until such officers can be duly elected, it is hereby made the duty of the governor to appoint for said county the following county officers, to-wit: A clerk of the circuit court, a district attorney and a sheriff, and any person who shall be so appointed to either of said offices shall duly qualify therefor, in the same manner as is provided by law in the case of appointment thereto to fill a vacancy, and shall enter upon the duties of his office on the said first day of August, 1873, or as soon thereafter as he shall have duly qualified, and shall hold his office until his successor to be elected for a full term at the next general election to be held on the first Tuesday after the first Monday of November shall be duly elected and qualified, and said appointments by the governor shall be deemed and construed as appointments to fill vacancies in office.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 107.

[*Published March* 14, 1873.]

AN ACT relating to the police court of the city of Madison.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall be styled municipal court.

SECTION 1. The police court of the city of Madison shall hereafter be called the municipal court of such city, and the police justice shall be known as the judge of said court.

Its jurisdiction.

SECTION 2. The said municipal court shall have jurisdiction concurrently with the circuit court, to hear, try and determine all misdemeanors, and all other offenses which are punishable only by fine or imprisonment in the county jail, or both such fine and imprisonment.

Power of the judge to sentence offenders.

SECTION 3. When any person or persons shall be tried and convicted in said municipal court of any such

offenses, the punishment for such offenses shall be such as is now prescribed by law, and the judge of said court is hereby empowered to sentence such offenders when so convicted, to such punishment, either by fine or imprisonment in the county jail, or both such fine and imprisonment, in his discretion: *provided*, the same shall not exceed the punishment prescribed by the law under which such offenders shall have been tried and convicted.

Territorial jurisdiction of the court.

SECTION 4. The territorial jurisdiction of the said municipal court shall extend to all parts of the county of Dane, and the judge of said court shall have exclusive jurisdiction of all criminal offenses within the city of Madison, and to conduct all trials and examinations which may be instituted or prosecuted in said city, and the laws of the state providing for change of venue in criminal cases and examinations shall not apply to said municipal court.

Provisions of charter to be made applicable.

SECTION 5. The provisions of the charter of the city of Madison, and all other laws of the state relating to the police court shall be so construed as to apply to the said municipal court, so far as the same are not inconsistent with this act, and the jurisdiction and powers of the municipal court, in both civil and criminal proceedings, shall be the same as is now provided for the police court, except as modified and enlarged by this act, and the judge of said court shall be allowed the same fees for his services as are now allowed by law to the police justice.

May provide a seal, and its use.

SECTION 6. The judge of said municipal court may provide a seal for said court, and all papers, depositions, certificates, acknowledgements, examinations or other documents executed or signed by said judge, when sealed with the seal of said court, shall be evidence in all courts and places in this state, and shall have the same effect as the seal of a court of record.

All papers issued by the police justice to be construed as if by municipal court.

SECTION. 7. All summons, executions and other writs and process, both civil and criminal, issued by and in the name of the police justice, shall be construed to mean the municipal court, and the form of all such process and writs may be the same as heretofore used in the police court, unless others are provided, and no suit or proceeding shall be dismissed because issued by or in the name of the police justice.

May instruct jury.

SECTION 8. In all criminal trials in said municipal court, and in all cases in which the city of Madison shall be a party, the judge thereof may instruct the jury (whenever a jury trial is had) upon matters of law in relation to the case.

SECTION 9. In case of the absence, sickness or disability of the judge of the said municipal court, the mayor of the city of Madison may, under his hand, appoint any suitable person who shall be an attorney of a court of record, to take the place of said judge during his absence, sickness or disability, and such appointee shall have all the powers of such judge while administering the said office.

In absence of judge, mayor may appoint substitute.

SECTION 10. No general or local act of the legislature heretofore passed, or which shall hereafter be enacted, shall be so construed as to change, alter, modify or repeal this act, or any provision of the charter of the city of Madison, or any act amendatory thereof, or any act relating to the city of Madison, unless the purpose to do so be expressly set forth in such general or local law, by naming in such altering or repealing act, that it is the intention of the legislature to have the same apply to the city of Madison.

Other acts not to repeal this act.

SECTION 11. The provisions of the charter of the city of Madison relating to the election of police justice shall apply to the election of the judge of the municipal court, and all the laws of this state relating to justices' courts shall be construed so as to apply to the municipal court of the city of Madison, so far as the said laws do not conflict with this act.

Provisions relating to election to apply.

SECTION 12. Appeals from the municipal court shall be made to the circuit court of Dane county, and the manner and form of taking such appeals may be the same as appeals from justices' courts.

Appeals to circuit court may be taken.

SECTION 13. Jury trials in said municipal court may be conducted in the same manner as in justice court until otherwise provided. The common council of the city of Madison may, by ordinance, provide for a different manner of selecting jurors for said court, and any ordinance providing for the drawing or selecting of jurors for the said municipal court shall have the force and effect of law. Any juror, when duly summoned to attend said court, and who shall not attend at the time he is summoned, shall be adjudged to be guilty of contempt, and shall be fined in a sum of not less than two nor more than ten dollars; and appeals from said court shall be allowed in all cases tried in said court under the laws of this state, whenever appeals are allowed from justices' courts.

Relating to jury trials and the drawing of jurors.

SECTION 14. Nothing herein contained shall be so construed as to abridge or impair the jurisdiction of the circuit court.

Not to affect circuit court.

SECTION 15. This act shall take effect and be in force from and after its passage.

SECTION 16. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 11, 1873.

CHAPTER 108.

[*Published March* 13, 1873.]

AN ACT to provide for the payment of the state agent for the settlement of war claims against the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. The treasurer shall pay upon the warrant of the secretary of state, to William W. Tredway, the sum of fifty dollars, in full for his services in obtaining the allowance of war claims in favor of this state, at the United States treasury, since the 1st day of June, A. D. 1871.

SECTION 2. There is hereby appropriated the sum of fifty dollars for the above mentioned purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 109.

[*Published March* 13, 1873.]

AN ACT relating to the furnishing of certain statistics of crime.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall make annual report of convictions.

SECTION 1. It shall be the duty of the clerks of all courts throughout the state having criminal jurisdiction, at the close of each year, to make out and transmit to the governor, an annual report of the number of convictions by juries of criminal offenses in their respective courts during such year, as well as of those when the accused pleaded guilty, together with such other information upon the subject of crimes in the state as the governor shall require.

SECTION 2. Each clerk shall be entitled to receive from the state, for and on account of such report named in the preceding section, and in full compensation for such service, ten cents per folio, for each folio, such amount to be paid by the state treasurer, upon the certificate of the governor of the amount to which such clerk shall be entitled for said services. Pay of clerk for making report.

SECTION 3. If any clerk referred to in section one of this act shall neglect or refuse to make out and transmit to the governor, at the time and in the manner aforesaid, the report referred to in said section, he shall be deemed guilty of a misdemeanor, and shall be liable to a fine of ten dollars, and costs of collection for each and every such offense, and it shall be the duty of the governor, in every case where such statement shall not be received at his office, from any clerk as aforesaid, on or before the fifteenth day of January in each year, to notify the district attorney of the county in which such clerk resides, of the delinquency of said clerk, and it shall be the duty of said attorney on receiving such notice from the governor, to demand of such delinquent clerk the penalty herein provided, and in case of refusal to pay such penalty, said attorney shall proceed to collect the same by coercion, with costs and fees as in other criminal cases. In case of the prosecution of any clerk as herein provided, the certificate of the governor under seal of his office shall be *prima facie* evidence of delinquency on the part of the clerk, and consequent liability for the penalty provided herein. Penalty for neglect or refusal to report. Governor to notify district attorney of delinquency of clerk.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 110.

[*Published March* 18, 1873.]

AN ACT to amend an act entitled "an act to prevent the spread of noxious weeds," section two, chapter two hundred and six, general laws of 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter two hundred and six of the general laws of 1861 is hereby amended by adding the following words to said section: "And Amended—amount be paid to pathmaster and assessed on property.

the said board of supervisors are hereby authorized to have said amount paid to said pathmaster, on his affidavit, if said board deem it just and equitable; and further to have said amount placed on the tax roll against such lands whereon such weeds have been destroyed, and to be collected the same as ordinary taxes."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 111.

[*Published March* 13, 1873.]

AN ACT to amend section one of chapter eighty-eight of the general laws of 1863, entitled an act to amend section three of chapter ninety-four of the revised statutes, entitled "of the sale of lands for the payment of debts by executors, administrators and guardians."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—homestead of deceased not exempt from mortgage lien, if no other estate sufficient to satisfy the same.

SECTION 1. Section one of chapter eighty-eight of the general laws of 1863, entitled an act to amend section three of chapter ninety-four of the revised statutes, entitled "of the sale of lands for the payment of debts by executors, administrators and guardians," is hereby amended by adding thereto as follows: "*and provided, further*, that where there shall exist a valid mortgage, or other indebtedness which shall be a lien upon the homestead of the deceased, and which mortgage or lien shall be unpaid and unsatisfied, and there shall not be sufficient real or personal estate in the possession of the executor or administrator to pay and discharge such mortgage or lien, and it shall appear to the satisfaction of the court that it is necessary to sell a portion or the whole of such homestead to pay and satisfy such mortgage or lien, then such homestead shall not be exempted from license and sale under the provisions of said chapter ninety-four. In all cases to which this proviso applies, the proceeds of such sale, after the payment of the mortgage or other lien, and expenses of administration, shall be invested, under the direction of the county judge, for the benefit of the family of the deceased, or shall be used in the purchase of another homestead, if such proceeds shall be

sufficient for that purpose, in the discretion and under the direction and order of said judge, which investment or homestead shall, in all respects, stand in the place and instead of the original homestead. And in cases where there is no family of the deceased, such proceeds shall be distributed according to law; but in no case whatever shall such proceeds be liable for the debts of the deceased, other than the mortgage debt or lien on such homestead.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 112.

[*Published March* 13, 1873.]

AN ACT to provide for laying out and establishing a state road from the village of Embarrass, in Waupaca county, and terminating at the county road in Outagamie county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. John Palmer, Paul Greeley and A. McKee are hereby appointed to lay out and establish a state road commencing in the village of Embarrass, in Waupaca county, on section five (5), town twenty-five (25), range fifteen (15) east, and running therein in a southeasterly direction, crossing the Wolf river on or near the south line of section four (4), town twenty-four (24), range sixteen (16) east, and terminating at the county road on or near the north line of section sixteen (16), town twenty-four (24) north, range seventeen (17) in Outagamie county. Commissioners and route of road.

SECTION 2. Any two of said commissioners may proceed to lay out and establish said road, and upon the performance of said service, shall be entitled to receive a reasonable compensation therefor from the counties through which said road shall pass: *provided*, that no part of said expense shall be paid out of the state treasury. Majority of commissioners may proceed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 113.

[*Published March* 13, 1873.]

AN ACT to prevent frauds in the sale of personal property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Copies of contracts or agreements to be filed with town clerk.

SECTION 1. No contract or agreement for the sale of personal property, by the terms of which the title or right of property is to remain in the vendor, and the possession thereof in the vendee, until the purchase price is paid, or other conditions of sale are complied with, shall be valid against any other person than the parties thereto, unless such contract or agreement shall be reduced to writing, and the same or a copy thereof shall be filed in the office of the town clerk of the town where said vendee resides, or if he shall not be a resident of the state, then in the town where such contract or agreement is made, and such town clerk shall file such contract or agreement in the same manner, and shall receive the same compensation therefor as is provided by law for filing chattel mortgages: *provided*, that the effect of such filing shall not extend beyond one year from maturity of the contract price, or consideration therein reserved.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 114.

[*Published March* 20, 1873.]

AN ACT to amend chapter one hundred and sixty-seven of the general laws of 1867, entitled an act to amend chapter fifteen of the revised statutes, so far as it relates to permanent landmarks.

The people of the state Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section two of chapter one hundred and sixty-seven of the general laws of 1867, entitled an act to amend chapter fifteen of the revised statutes,

so far as relates to permanent landmarks, is hereby amended so as to read as follows:

SECTION 2. Supervisors shall have authority, when the section corners upon the public highways cannot be identified, to have such corners located by a competent surveyor, and after such survey, it shall be the duty of said supervisors to erect, or have erected on such section corners, landmarks similar to those provided for in this act.

Shall have section corners located.

SECTION 3. Whenever a majority of all the votes cast at such election shall be in favor of the erection of permanent land marks, it shall be the duty of the supervisors of such town to procure at the expense of said town, a sufficient number of monuments of stone or some other durable material, not less than three feet in length and six inches square, and to make a contract with the county surveyor, or any competent surveyor, for the survey of all the sections of said town, and for the erection of said monuments, one at each section corner, and one at each external quarter section in said town; said monuments to be set two and a half feet in the ground, except in cases where they shall be set in the center of highways, and in that case the top shall be even with or below the surface of the ground; and at the option of said board of supervisors, either such monuments as shall be set at the corner of sections, shall have engraved upon them, in cyphers, the number of each section for which such monument forms a land mark, and those which shall be set for quarter posts shall have engraved on them, "1-4 S.," or the top of said monument shall be dressed so that it shall be square and as nearly as practicable perpendicular to the sides, and a cross formed by lines connecting the corners of said top, shall be engraved upon said top.

Shall procure durable monuments—their dimensions, how set and inscribed.

SECTION 4. So much of any act as contravenes the provisions of this act is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 115.

AN ACT to revive the Chippewa Falls Cemetery Association, and to authorize the election of officers thereof, and to legalize the acts of said association.

The people of the state of Wisconsin, represented in senate and and assembly, do enact as follows:

Revived—may call meeting to elect officers.

SECTION 1. The Chippewa Falls Cemetery Association is hereby revived, and the secretary of said association, Z. C. Stanley, is hereby authorized to call a meeting of said association for the election of trustees and other officers thereof, and the officers so elected shall be and are hereby declared to be authorized to perform all the duties imposed on them by the said arcles of association, with full power and intent as if elected at the time of the annual meeting or according to said articles of association.

How notice to be given.

SECTION 2. The said secretary shall give notice of such meeting for the election of officers as provided in section one of this act, by publication thereof in the Chippewa Herald, a paper published in Chippewa Falls, for one week.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 116.

[*Published March* 13, 1873.]

AN ACT to provide for evidence of service and fees in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certificate of officer to be evidence of service of notice of object of suit.

SECTION 1. In all civil actions when an officer shall serve with the summons the complaint, or a notice of the object of the writ, mentioned in section five of chapter one hundred and twenty-four of the revised statutes, the certificate of such officer of the service thereof shall be evidence thereof, and of and to the

the same effect as his certificate of the service of a summons, and may be included in his certificate of the service of the summons.

Also of notice to appear, or in garnishee proceedings.

SECTION 2. When an officer shall serve an order or notice to appear and answer, made or issued under and in pursuance or sections eighty-eight, ninety-one and ninety-three of chapter one hundred and thirty-four of the revised statutes, or of any act amendatory thereof, or shall serve any summons or notice in any garnishee proceedings, and any papers required by law to be served with writ, order, summons or notice, the certificate of such officer of the service thereof shall be evidence thereof, and of and to the same force and effect, as his certificate of the service of a summons or other process of court; and he shall be entitled to the same fees for service and travel in serving the same as is by law allowed for the service of a summons, and the same shall be taxable and allowable in the costs of suit or proceedings, as other taxable costs, except as hereinafter otherwise provided.

Officers fees.

When officer is entitled to mileage.

SECTION 3. If in any civil action an officer shall serve or execute any order of arrest, writ of attachment, writ or requisition for the delivery of personal property, writ of *ne exeat*, injunction or injunctional order, or any summons, notice, order or paper, mentioned in section two of this act, he shall not be entitled to any mileage for service, or for service aside from copies (excepting other fees and charges allowed by law), if he receives the same for service or execution, at the same time he receives the summons for service, or serves or executes the same at the same time; but if such officer, in serving or executing the same, shall necessarily be compelled to travel more miles than he is entitled to charge for the service or attempted service of the summons in the action, then he shall be entitled to charge for such additional travel.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 117.

AN ACT to legalize the transfer of the property of the "Evansville Cemetery Association" to the village of Evansville.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Transfer of property and franchises legalized.

SECTION 1. The deed of transfer executed and delivered by the "Evansville Cemetery Association" to the "village of Evansville," in Rock county, bearing date February 4th, A. D. 1873, and accepted and approved by resolution of the board of trustees of the said village the same day, is hereby declared legal and valid, and to operate as a complete transfer of all the property and franchises of said cemetery association to the said village of Evansville. And the said village shall have and exercise the absolute ownership and possession of the said cemetery grounds, property and franchises, and manage and control the same in as full and ample a manner, and to the same extent, as if said cemetery had been originally owned, laid out and platted by the said village of Evansville, under and by virtue of its chartered powers. And the said "Evansville Cemetery Association" is hereby dissolved.

Association dissolved.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 118.

[*Published March* 14, 1873.]

AN ACT to appropriate a sum of money therein named, for the use of the Soldiers' Orphans' Home, for the payment of current expenses from April 1st, 1873, to February 1st, 1874, and for improvements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of twenty-two thousand dollars, for the use of the Soldiers' Orphans' Home, in full for the following purposes, viz: For current expenses from April

first, 1873, to February first, 1874, twenty thousand dollars; for painting and repairs, two thousand dollars.

To be drawn only quarterly.

SECTION 2. All sums for current expenses shall be drawn from the treasury not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be printed in the volume of general laws for the year 1873.

Approved March 11, 1873.

CHAPTER 119.

AN ACT to change the time of the annual meeting of the stockholders of the Hekla Fire Insurance Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time of annual meeting changed.

SECTION 1. The annual meeting of the stockholders of the Hekla Fire Insurance Company shall hereafter be held on the second Wednesday in January of each year, instead of on the first Monday in January.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 120.

[*Published March* 27, 1873.]

AN ACT to amend chapter one hundred and twelve of the general laws of the year 1859, entitled an act to amend chapter one hundred and twenty of the revised statutes, entitled "of courts held by justices of the peace."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—property not to be delivered.

SECTION 1. Section three of chapter one hundred and twelve of the general laws of the year 1859 is hereby amended so as to be and read as follows: If at the expiration of the time for appeal, the appeal has

been perfected, and the successful party has not filed with the justice his recognizance, as provided in the next preceding section, then such property shall not be delivered to the successful party.

Property to be delivered to appellant on his filing undertaking.

SECTION 2. In case an appeal has been taken, and the successful party has not, before the expiration of the time for taking such appeal, entered into and filed with the justice the recognizance required of him to entitle him to the delivery of such property, then the appellant shall be entitled to have such property delivered to him if he shall, within five days after the expiration of the time for taking such appeal, enter into and file with the justice an undertaking, with one or more sureties, to the opposite party, to the effect that if judgment be rendered by the appellate court against the appellant, he will pay such judgment, together with all damages, costs and disbursements recovered against him, and that he will abide by such other or further order or judgment as the appellate court may make in the premises; and upon the filing by the appellant such undertaking within the time aforesaid, the justice shall enter an order in his docket requiring the officer who has the custody of such property to deliver the same to the appellant, and upon the service of a copy of such order on such officer, he shall deliver such property to the appellant, and thereupon all liability of such officer shall cease and determine. And in case the appellee and appellant shall each fail to file with the justice the security aforesaid within the time provided, then such property shall remain in the custody of the officer who seized the same, subject to the order of the appellate court.

When officer to retain custody of property.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 121.

AN ACT to legalize the official acts of Leopold Wachenheimer, a notary public in the county of La Crosse.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Leopold Wachenheimer, of the county of La Crosse, having been duly commissioned by the governor of the state of Wisconsin as notary public, by commission bearing date December 27th, 1869, and which expired December 27th, 1871, and having by mistake continued to act as such notary until September, 23d, 1872, before discovering that his said commission had expired, all the official acts of the said Leopold Wachenheimer as notary public from December 27th, 1871, to September 23d, 1872, are hereby legalized and made valid to all intents and purposes, as though said Wachenheimer had been duly commissioned and appointed as such notary public during said last named period. Acts as notary legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 122.

[*Published March* 14, 1873.]

AN ACT to appropriate to persons therein named certain sums of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, to J. H. Waggoner, for services as secretary of the state board of equalization for the year 1872, the sum of fifty dollars; and to W. J. Force, for services as clerk of a committee of said board, the sum of twenty dollars; and to Charles H. Young, for services as messenger of said board, the sum of nine dollars. Appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 123.

[*Published March* 14, 1873.]

AN ACT to authorize boards of trustees of incorporated villages to build or repair sidewalks and gutters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May levy tax to build or repair sidewalks and gutters.

SECTION 1. Whenever the board of trustees of any village incorporated under any general or special law of this state, shall determine to build or repair any sidewalk or gutter in any street, highway or alley of said village, said board of trustees may levy and cause to be collected, such sum or sums as they may estimate to be necessary for that purpose, by tax against the owners of the lots, pieces or tracts of land bounding that side of the street where said sidewalk or gutter is ordered to be built or repaired. Such part of the tax necessary to build or repair said sidewalk or gutter shall be assessed against each of the owners of the lots, pieces or tracts of land along the line of said sidewalk or gutter, and bounding the same, as shall be sufficient to construct or repair said sidewalk or gutter along and contiguous to the respective lots, pieces or tracts of land of said owners. In case any such tax shall prove insufficient to pay the expenses of building or repairing any such sidewalk or gutter, said board of trustees shall have power to levy and collect such deficiency in the same manner as the original tax was levied and collected.

Shall deliver list of property holders to street commissioner—he shall give notice.

SECTION 2. Whenever the board of trustees shall levy any tax for the purpose of building or repairing any sidewalk or gutter, they shall make out and deliver to the street commissioner of such village a list of the persons and a description of the property taxed, together with a warrant for the collection and expenditure of said tax; and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice two weeks in some newspaper published in said village, if there be one, or by posting up notices in three or more public places in such village, and shall specify in such notice a time or times not less than twenty days nor more than forty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money, and the persons charged with such tax may, at such time and place as may be required by the said street

commissioner, pay their taxes in labor or materials: *provided*, the labor or materials offered in payment for such taxes are such as may be required by the said street commissioner.

SECTION 3. At the expiration of forty days from the date of said notice given by the said street commissioner, he shall make out and deliver to the clerk of the town in which such village is situated, a certified list of the lots, pieces or tracts of land in said village, upon which any such sidewalk or gutter tax remains unpaid, with the amount of such delinquent tax upon each of said lots, pieces or parcels of land; and if such list shall be returned to said town clerk before the completion of the assessment roll of said town for the same year, the said clerk shall add said delinquent sidewalk or gutter taxes to said assessment roll, opposite to the description of the proper lots, pieces or parcels of land therein, and the said delinquent sidewalk or gutter taxes shall be collected with and in the same manner as the town taxes. If such list shall be returned to the town clerk after the completion of the assessment roll, and before the town treasurer's return of delinquent taxes, he shall deliver said list to the said treasurer, who shall collect the same with the other taxes in said village, and add what remains uncollected of said sidewalk or gutter taxes to his list of delinquent taxes returned to the county treasurer, who shall collect the same or sell the lots, pieces or parcels of land aforesaid, for such delinquent taxes, in the same manner as lands are sold for other delinquent taxes; and all subsequent proceedings in relation thereto shall be the same in all respects as in the case of lands sold for other delinquent taxes.

Shall make out certified list of lots, with amount of delinquent tax.

Treasurer to collect delinquent tax.

SECTION 4. Every town treasurer or county treasurer who shall collect or receive any money on account of such sidewalk or gutter taxes shall pay the same to the treasurer of the proper village, and take duplicate receipts therefor, and file one of said receipts with the clerk of his town or county.

Town and county treasurers to pay over to village treasurer.

SECTION 5. Whenever any street commissioner shall have returned any lots, pieces or parcels of land for delinquent sidewalk or gutter taxes, as herein provided, the board of trustees of such village shall be authorized to build or repair such sidewalk or gutter at the expense of said village: *provided*, nothing in this section shall be construed to release said land or the owner thereof from the lien and payment of such delinquent sidewalk or gutter tax.

If owners are delinquent, trustees may build or repair.

Different mode may be followed.

SECTION 6. When the law under which any village is incorporated contains a different mode of procedure from the one herein prescribed, the same may be followed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 124.

[*Published March* 14, 1873.]

AN ACT to appropriate to Thomas Kopff a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropriated to Thomas Kopff, out of any money in the state treasury not otherwise appropriated, the sum of three hundred and thirty-nine dollars, being payment in full for services rendered by him as assistant surgeon, 3d Wisconsin volunteers, from December 15th, 1864, to March 26th, 1865.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 125.

[*Published March* 18, 1873.]

AN ACT to provide for auditing and paying the accounts of the clerk of the supreme court for fees in criminal and state cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May audit clerk's account.

SECTION 1. The secretary of state is hereby required to audit the account of the clerk of the supreme court of this state annually in the month of December,

for all fees to which he may be entitled by law in criminal and state cases, said accounts to be accompanied by an itemized bill of costs in each case, and taxed by one of the justices of the supreme court.

SECTION 2. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, a sufficient sum to pay the amount of the account mentioned in the first section of this act. Appropriated.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 126.

AN ACT to authorize the Stevens Point Boom Company to maintain piers and booms in the Wisconsin river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Stevens Point Boom Company, as now organized, under the general laws of this state, in perpetual succession, and its assigns, are hereby authorized and empowered to construct, build and maintain a system of piers and booms in, along and across the Wisconsin river, from a point in section thirty-two, in township twenty-four north, of range eight east, to the north line of township twenty-four north, of range seven east, at the points indicated in the articles of association of said company now on file in the office of the secretary of state, for the booming and storing of sawlogs, square and round timber, shingle bolts and other timber. May construct piers and booms.

SECTION 2. That to successfully carry out the object of said company and this grant, said company is authorized to acquire the title to lands upon and contiguous to said river, within the limits of its proposed line of piers and booms, either by purchase, lease or license, and thereon upon the bank to erect such piers and land booms as said company may determine for the purpose of booming and storing logs. May acquire title to lands contiguous to river.

SECTION 3. When land necessary to be used by said company cannot be purchased or leased, and no right of entry thereon can be obtained, the company may apply to the circuit judge of Portage county for May apply for appointment of commissioners to condemn land.

the appointment of commissioners to view, inspect, appraise and condemn such land, or so much thereof as may be by the company claimed as necessary for its use: *provided*, that notice of such application shall be served personally upon the parties interested, at least six days prior to such hearing, or if not personally served, then by publishing said notice of application for two successive weeks in a newspaper published in the city of Stevens Point, Wisconsin, the last publication to be at least six days prior to such hearing; and in their application to the circuit judge, they shall specify what lands are necessary for the use of the company, and if on such application the circuit judge shall deem any of such lands necessary for the use of the company in the construction of their system of piers and booms, he shall thereupon appoint three disinterested persons to act as such commissioners; and in their appraisement and award, said commissioners shall designate the amount necessary for the use of the company in acres, and its width and length, and the value thereof, and injury the rest sustains, if any, by such taking, and shall file their award within twenty days after making the same in the office of the clerk of the circuit court of Portage county: *provided*, no appraisal or award shall be made unless the owner of such land shall have had at least ten days personal service of the notice of the time when the commissioners shall make their inspection of the premises, an appraisal and award, and if no personal service can be had, then only after a notice of such inspection, appraisal and award shall have been published at least three successive weeks in a newspaper published in said county.

Notice of affidavit to be served.

Notice of inspection of prtmises to be given.

When amount of award is paid or deposited, land may be used.

SECTION 4. Whenever the company shall pay to the owner of the land condemned, or deposit the amount of the award with the clerk of said court, it may then enter upon said land, remove the soil, dig stone, construct canals, and build piers, and locate and hang booms thereon: *provided, however*, that any person claiming an interest in said land may, at any time within thirty days after filing of the award, appeal therefrom by filing a notice of such appeal with the clerk of the circuit court, and serving a copy thereof on any of the officers of said company, and thereupon the clerk shall enter the cause upon his docket, and the same proceedings shall be had thereon in the circuit court as in an action of law originally brought therein.

SECTION 5. The company are hereby authorized to enter upon all sloughs, bayous, arms and branches of said river, and to improve the same for holding and storing logs, and cut a canal along such sloughs, across the bend of the river on sections fourteen, twenty-three, twenty-four, twenty-five, and twenty-six, in township twenty-four, range seven east, in Portage county, for the purpose of storing logs, and to facilitate the navigation of rafts, barges, boats, logs and timber or other property passing along said river: *provided, always*, that a free and easy passage be by said company at all times preserved or constructed so that the navigation be not impeded or hindered for rafts, boats, barges, logs and timber, or other property, floating or running on the waters of said river.

May cut canals through sloughs and bayous.

Navigation not to be obstructed.

SECTION 6. A free and easy passage for rafts, boats, barges, logs and lumber, of at least eighty feet shall be by said company maintained in the main Wisconsin river, until such time as Benjamin Single, Jr., C. Clark, of Marathon county, and John Finch, of Portage county, or any two of them, shall make and file with the clerk of the circuit court of Portage county, their certificate that the said slough, known as the Bessie slough, has been so improved as to admit of the free and easy passage for rafts, boats, barges, logs and lumber, or property floating or running on the waters of said river.

Free and easy passage to be maintained.

SECTION 7. Said company is hereby authorized to purchase, hold, use and enjoy any charter heretofore granted, authorizing the construction of piers and booms in said river between the points herein specified.

May purchase any former charter.

SECTION 8. Any person who shall unlawfully injure or destroy any of the piers, booms or other works, or open the boom of said company, shall be liable in treble the amount of the actual damages, to be by the company recovered by an action at law.

Penalty for injury to booms.

SECTION 9. This act shall be held to be a public act of the state of Wisconsin, and shall be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 127.

[*Published March* 14, 1873.]

AN ACT to change the time of holding the fall term of the circuit court in Marathon county, and to re-establish the time of holding the fall term of the circuit court in Adams county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time of holding term changed.

SECTION 1. The time of holding the fall term of the circuit court in the county of Marathon, in the seventh judicial circuit, is hereby changed from the third Monday in October to the third Monday in September, in each year. And the time of holding the fall term of the circuit court in Adams county, in the seventh judicial cercuit, is hereby re-established as fixed by section one, chapter one hundred and forty-three, general laws of 1870.

Change not to affect return of writs, etc.

SECTION 2. All writs, recognizances and other proceedings made returnable to the circuit court of the said counties, shall be considered and deemed to be returnable to the terms of said court as fixed by this act. And all continuances and notices made or taken to the terms of the circuit court for said counties shall be deemed to be made or taken to the terms of said court as the same are fixed by this act. And all motions and other proceedings noticed to be heard at the regular term or terms of said court shall be allowed and considered to be noticed for the hearing at the regular term or terms of said court as fixed by this act.

SECTION 3. All acts now in force, and parts of acts, conflicting with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 128.

[*Published March* 14, 1873.]

AN ACT to repeal chapter two hundred and ninety-one of private and local laws of 1871, entitled an act to prohibit poisoning dogs in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter two hundred and ninety-one of private and local laws of 1871, entitled "an act to prohibit poisoning dogs in the city of Milwaukee," is hereby repealed. **Repealed.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 129.

[*Published March* 15, 1873.]

AN ACT to amend act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20, 1852.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever the board of public works of the city of Milwaukee shall be ordered by the common council of the said city to make any assessment of damages and benefits, as now required by law, it shall be the duty of the said board of public works, after such assessment shall be made, and before the same shall be reported by the said board to the said common council, to give public notice of not less than six days in the official papers of the said city, that such assessment has been made, and that the same will be open for review and correction by the said board of public works, at the office of the said board, for not less than ten days after the first publication of such notice, during certain hours, and not less than two hours of each lay day, and that all persons interested will be heard by the said **Shall give notice of assessment of damages and benefits**

board of public works in objections to such assessment, and generally in the matter of such review and correction. It shall be sufficient to state in such notice, in brief, what such assessment has been made for, and in what locality.

Shall hear all objections, may correct assessment and shall make report.

SECTION 2. During the time specified in the notice mentioned in the last preceding section, it shall be the duty of the said board of public works to hear all persons interested in the property assessed, or otherwise personally interested in such assessment, in making objections to any part of such assessment, and all evidence which may be produced in support of such objections, and the said board of public works shall thereupon have power to review, modify and correct such assessment, in such manner as they shall deem just, at any time during such review and for three days thereafter, and thereupon it shall be the duty of the said board of public works to make a report of such assessments to the said common council, as now provided by law.

City clerk shall give notice of report of assessment.

SECTION 3. After the said board of public works shall have so reported any such assessment, it shall be the duty of the city clerk of the said city to give a public notice of not less than six days, in the official papers of the said city, that such assessment has been so reported. It shall be sufficient to state in such notice, in brief, what such assessment has been made for, and in what locality. The said common council shall not have power, finally, to act upon such report for ten days after the first publication of the notice mentioned in this section. After the expiration of such ten days last mentioned, the said common council shall have power to confirm such assessment as so reported by the said board of public works, or to correct the same, or to refer the same back to the said board of public works. If so referred back to the said board of public works, the said board shall give the like notice and proceed in the same manner as provided in this act upon their first making such assessment; and in such case, when the said board of public works shall have again reported such assessment to the said common council, the like proceedings shall be had thereupon as when the same was first reported to the said common council.

After ten days, council may confirm report.

Property holders shall have right to appeal.

SECTION 4. All persons owning or having any interest in any property affected by such assessment, shall, within ten days after the first publication of notice by the city clerk of the said city that such assessment has been reported to the common council,

have a right to appeal therefrom to the said common council, and have the same right of appeal now provided by law from the said common council to the circuit court of Milwaukee county. But no such appeal to the said common council shall be taken after the expiration of ten days, as provided in this section. And in all cases of assessment hereafter to be made, such right of appeal to the said common council, and from the said common council to the said circuit court, shall be the only remedy for damages sustained by the proceedings or acts of the said city or its officers in the matter to which such assessment relates; and no action at law shall be maintained for injuries sustained by the proceeding or action of the said city or its officers in the matter to which any such assessment hereafter made relates, whether such action be founded on section eighteen of chapter ten of the act mentioned in the title mentioned in this act and hereby amended, or otherwise.

Appeal the only remedy for damages.

SECTION 5. In all cases in which the grade of a street has been ordered to be changed, and has been actually changed, since the 20th day of February, 1852, being the day of the passage of the act hereby amended, and the said common council shall hereafter order the grade of such street to be again actually changed, an assessment of benefits and damages shall be thereupon made as in other cases of grading streets, and all the several provisions of law relating to assessments for grading streets, in other cases shall apply to the assessment for grading such street as first mentioned in this section, and to the benefits and damages of such grading; and the damages, costs and charges mentioned in section eighteen of chapter ten of the act hereby amended, shall be included in such assessment.

Proceedings for change of grade same as for new grade.

SECTION 6. Whenever the said common council, with the concurrence of three-fourths of the members elected to each board thereof, shall declare by their resolution that it is necessary for the public interest to open a public street or alley, or to take land for any public purpose authorized by the charter of the said city, or to grade or otherwise improve any street, the said common council shall have power to open such public street, and to take land for such public purpose; and to grade and otherwise to improve such street, as the case may be, without any petition therefor, proceeding thereafter in that behalf as in cases of petition therefor duly made. The resolution provided for in this section shall declare why it is necessary for the public interest so to proceed, and no such resolution

Power to open public street by resolution of council.

What resolution shall declare and how passed.

shall be passed by either board of the said common council at the same meeting in which it is first considered, but shall lie over to a future meeting of such board. And the years and nays on the passage of such resolution shall be taken and duly entered in the journal of each board.

Provisions to apply to school house sites.

SECTION 7. All provisions of law authorizing proceedings to be taken by the said city for the taking of land for public purposes, shall apply to land for the sites of school buildings and for the premises to be attached to such buildings.

If court is not in session on the day fixed in the notice, said notice may stand over.

SECTION 8. Whenever notice shall be given of application to the circuit or county court of Milwaukee county as provided in section three of chapter one hundred and two of the private and local acts of 1872, for the appointment of a jury, and the court to which such application is to be made shall not be in session, or there shall be no panel of jurors in attendance on such court, on the day named in such notice for such application, then such application shall stand over until the next day in the same or other term of such court, when such court shall be in session, and a panel of jurors shall be in attendance therein when such application may be made and such jury appointed, with the same effect as if the same were done on the day mentioned in such notice.

Petitioners shall give brief description of property, and swear to ownership.

SECTION 9. Whenever a petition shall be presented to the common council for work chargeable to property fronting or abutting thereon, each person signing such petition as the owner of the property shall be required to write after his signature thereto a brief description of the property so owned by him, and annex thereto an affidavit that he owns the same, and thereupon he shall be taken to be the owner thereof and such petition shall be as valid and have the same effect as if such person were the owner thereof although in fact it should thereafter appear that he was not such owner.

May re-assess to pay royalty for use of any patent or patented article.

SECTION 10. Whenever the said board of public works shall have let, or shall hereafter let, any contract, or do any work chargeable to lots or lands in said city, to be done with the use of any patent or patented article, in pursuance of section ten of chapter three hundred and sixty of the private and local laws of the year 1871, and have omitted, or shall omit, at the time of making the assessment for such work against property chargeable therewith, to make an assessment and issue a separate certificate against such property for the sum or royalty chargeable for the use of such patent or patented article, in pursuance of the provisions of

the section last mentioned, the said board of public works shall have power, and it shall be their duty, to make such assessment for the sum or royalty chargeable for the use of such patent or patented article as soon as may be thereafter, and include the same in a separate certificate of such special assessment for the use of the said city, and such assessment and certificate shall be as binding and have the same effect, when so subsequently made, as if the same had been made at the same time as the assessment for the contract price of doing such work.

How assessments for sewers may be made.

SECTION 11. All assessments hereafter to be made for the construction of sewers shall be made against all lots, parts of lots and parcels of land fronting or abutting on the sewer, on each side of the same, which have not been before so assessed for sewerage purposes, at the rate of eighty cents per lineal foot of the whole frontage of each lot, part of lots or parcel of land fronting or abutting on either side of such sewer, except corner lots, which shall be assessed therefor as follows: Corner lots not subdivided in ownership or use, and subdivisions of corner lots constituting the actual corner of corner lots subdivided in ownership or use, shall be entitled to a deduction in making such assessment, of one-third from the aggregate of the double street line of such corner lots or corner subdivisions thereof, to be made in the assessment of the longest street line of such corner lots or corner subdivisions thereof; or in case of equal street lines thereof, in the assessment for the second sewer to which they are liable: *provided, however*, that when the actual cost of any sewer shall be less than eighty cents per lineal foot of the lots, parts of lots and parcels of land, on both sides thereof, then and in that case the assessment shall be for the actual cost of such sewer per lineal foot, one-half thereof to be chargeable against the property fronting or abutting thereon, on each side thereof.

Noxious weeds to be declared a public nuisance

SECTION 12. Power is hereby given to the said common council to declare the weed commonly called the Canada thistle, and other noxious plants and weeds, on lots, parts of lots and lands in the said city, a public nuisance and to proceed to abate the same as the said city is authorized by law to abate other nuisances; and the board of public works of the said city, under the direction of the common council, shall have power to make contracts for the removal of Canada thistles and other noxious plants and weeds from streets and alleys in any ward of the said city, the cost thereof to be chargeable to the ward fund of the proper ward.

Police force.

SECTION 13. The police force of the said city shall hereafter consist of one chief, two lieutenants, not less than four nor more than six detectives, and not less than fifty-one nor more than fifty-three patrolmen, so that the whole police force shall not exceed sixty men.

May provide for licensing dogs, and for their destruction.

SECTION 14. The common council of the said city shall have power, by ordinance, to provide for the licensing and keeping of dogs in the said city, at a sum of not less than one dollar, nor more than ten dollars a year for each dog, and to provide for a badge or token to be carried by each licensed dog, and for the secure muzzling of licensed dogs, and for the killing and destruction, in a summary manner, of all dogs not licensed, by any means, except by shooting, wherever the same may be found within the said city, and of licensed dogs running at large in the streets, alleys or public grounds in the said city, and to punish persons keeping unlicensed dogs.

May construct draw-bridge and levy tax to pay for the same.

SECTION 15. The common council of the city of Milwaukee are hereby authorized and empowered to construct and maintain a draw or swing bridge over and across the Kinnickinnic river at the foot of Clinton street, in the twelfth ward of the city of Milwaukee, and when constructed said bridge shall be under the control and management of said city in the same manner as other bridges in said city. The common council of said city of Milwaukee shall levy and raise by taxation upon all the taxable real and personal property within said city for the year 1873, a sum of money not to exceed the sum of sixteen thousand dollars, for the purpose of paying for the construction of said bridge, and the approaches and other incidental expenditures relating thereto, such tax to be levied and collected in the same manner and at the same time as other taxes are levied and collected by law in said city.

How damages to be paid for lands taken for water mains.

SECTION 16. If the land or any part thereof, taken or to be taken by the board of water commissioners of the said city, in the name of the said city, for the purpose of laying their water main between Fifth avenue and the Milwaukee river in the first ward of the said city and between the Milwaukee river and Fourth street, in the sixth ward of the said city, shall be thereafter taken for a public street or streets, the damages for taking the same shall be assessed in the same manner and against the same lots and lands, and paid as if the lands so taken belonged to a private person, and shall be paid, when collected by the said city, to the water fund of the said city. And when the street or streets for which the same shall be so taken shall be graded, the

How assessment for grading to be made.

work which shall have been done by the said board of water commissioners in grading the same, and in building culverts thereon, shall be taken as a part of the grading of such street or streets, so far as the same shall be applicable thereto, and the expense thereof shall be taken as part of the cost of grading such street or streets, and shall be assessed in the same manner and against the same lots and lands, and paid as if the work thereof were done under contract in the usual way, and shall be paid, when collected by the said city, to the water fund of said city. And when any of the said work so done or to be done by the said board of water commissioners between the points, and for the purpose in this section before mentioned, shall have been done upon any of the present public streets of the said city, and such streets, or any of them, shall thereafter be ordered to be graded by the said common council, such work shall be taken as a part of the grading of such street or streets, so far as the same shall be applicable thereto, and the expense thereof shall be taken as a part of the cost of grading such street or streets, and shall be assessed in the same manner and against the same lots and lands, and paid as if the work thereof were done under contract in the usual way, and shall be paid, when collected, by the said city, to the water fund of the said city.

Water bonds may be issued.

SECTION 17. Registered water bonds for sums of five thousand dollars, and one thousand dollars, and five hundred dollars respectively, may be authorized by the common council of the said city, in pursuance of the power granted to issue bonds by section one of chapter four hundred and six of the private and local laws of 1871, and the acts amendatory thereof.

May construct swing bridge.

SECTION 18. The common council of the said city shall have power to construct and maintain a swing bridge across the Milwaukee river at the western end of either Buffalo or Chicago streets, in the third ward in the said city, as the said common council shall elect and determine: *provided, however*, that no contract shall be made, and no tax shall be levied in the year 1878, for the construction of such bridge except for the center pier thereof.

May build stationary bridge.

SECTION 19. The common council of the said city shall have power, at an expense not exceeding one thousand dollars, to build a stationary bridge across the canal in the Menomonee valley, built by Edward D. Holton, and commonly called Holton's canal, as and for the continuation of Canal street across the said

canal, or to fill and dock Canal street across the said canal, as the said common council shall elect.

Shall make survey and fix dock lines on the Kinnickinnic.

SECTION 20. The channel of the Kinnickinnic river, from its entrance into the Milwaukee river to the south line of the said city, is hereby fixed and determined not to exceed two hundred feet in width. It shall be the duty of the board of public works of the said city, as soon as practicable after the passage of this act, to cause to be made a survey and plat of the said Kinnickinnic river, establishing and re-establishing the dock lines thereof so as not to exceed two hundred feet in width, from its mouth to the south line of the said city. Such survey shall describe the channel and dock lines of the said river, the depth of water therein, and the length and location of docks already built on the dock lines so established and re-established, and shall contain all other things necessary fully to describe and determine the water channel of the said river and the dock lines thereof. Thereupon it shall be the duty of the said board of public works to report such survey and plat of the said river to the common council of the said city for consideration. Thereupon the said common council shall have power to approve of such survey and plat, or to modify and change the same, and to adopt and establish such survey and plat, so reported or so modified and changed by ordinance. And if the said common council shall so adopt and establish such survey and plat, it shall be the duty of the city clerk to cause the same to be recorded in the office of the register of deeds of Milwaukee county, and to file the original in the office of the comptroller of the said city. And the said survey and plat, when so made, established, recorded and filed, shall have the same force and effect to vest in the said city all lands covered by the said water channel of the said river so established, as if the same had been made, acknowledged and recorded by the owners of such lands: *provided, however*, that no land belonging to private persons, and not dedicated or conveyed in that behalf by the owners thereof, shall be taken for the purpose of the said water channel until the compensation therefor shall be ascertained and paid, or tendered, as hereinafter provided. And the said water channel, when so adopted and established by the common council, is hereby declared to be a public river, subject to all laws and regulations applicable to it as such.

Survey and plat to be recorded.

How property to be taken for public use.

SECTION 21. In case it shall be necessary to take any property for the purposes specified in the next

preceding section of this act, the said board of public works shall apply to the common council of the said city, stating such necessity, and describing the property necessary to be taken, and shall thereupon, when so ordered by the said common council, proceed to cause such property to be taken as may be necessary, and in so doing, shall proceed in the same manner as provided by the charter of the city for laying out and widening streets in the said city, except that the application of said board of public works shall be in place of the petition of ten freeholders of the ward. And the benefits and damages of taking such property shall be assessed in the same manner and with the same right of appeal as provided by law in the case of laying out and widening streets in the said city.

SECTION 22. The common council of the said city shall have power from time to time, without petition in that behalf, to order the docking and dredging of the said Kinnickinnic river so surveyed and platted. And thereupon it shall be the duty of the said board of public works to proceed as in case of grading and graveling streets, with the same power of assessing benefits and damages to adjoining property, and the same right of appeal, and with the same proceedings generally as in case of grading and graveling streets. And the cost of docking and dredging the said river opposite to public streets abutting thereon, and of dredging the middle ground thereof, hereby fixed at one-third of the whole width thereof, shall be payable out of the proper dredging fund of the said city. And all excess of damages over benefits for taking land for the said water channel, and all expense of docking and dredging the same, opposite street crossings and in front of city property, shall be paid out of the ward fund of the proper ward.

May order docking and dredging.

Cost fixed.

SECTION 23. The common council of the said city shall not be authorized to dredge any part of the said Kinnickinnic river above the bridge over the same on Kinnickinnic avenue, until the same shall have been continuously docked and dredged on both sides of the said river by the owners of abutting property thereon.

Not to dredge above bridge.

SECTION 24. The warrant of the city treasurer of the said city to the chief of police of the said city for the collection of taxes on personal property shall hereafter include, in addition to the unpaid taxes on personal property for the current municipal year, all unpaid taxes on personal property for the next preceding three years. And the chief of police of the said city shall have power, and it shall be his duty, to collect

What city tax warrant to contain.

the same as is now provided by law for the collection of taxes on personal property.

May erect stable for fire department.

SECTION 25. The common council of the said city shall have power to erect a stable on the premises occupied by the steam fire engine number one of the fire department of the said city for the use of that engine, at a cost not exceeding three thousand dollars.

May erect new school building—the cost.

SECTION 26. The common council of the said city shall have power to erect a new school building for the Juneau school, in the first ward of the said city, at an expense not exceeding eighteen thousand dollars, over and above and in addition to all moneys collected for insurance for loss by fire on the old building and furniture, and over and above and in addition to the fund heretofore set aside by the said common council for insurance, and over and above and in addition to the value of all material of the old building used in the erection the new building or sold.

May purchase additional school lots.

SECTION 27. The common council of the said city shall have power, at an expense not exceeding in the whole, the sum of twenty-five thousand dollars, to purchase additional lots for school purposes in the tenth ward, and to erect a school building for the said ward, and to furnish the same, and to fence the lots appurtenant thereto.

May remodel school buildings.

SECTION 28. The common council of the said city shall have power to remodel and erect additions to the Douglas school building in the eighth ward, and to the Jefferson school building in the second ward, at an expense of not exceeding ten thousand dollars for each of the said buildings.

May build addition.

SECTION 29. The common council of the said city shall have power to build an addition to the Union school in the sixth ward, at an expense not exceeding three thousand dollars.

May purchase lots in twelfth ward.

SECTION 30. The common council of the said city shall have power to purchase lots for a school building near the Kinnickinnic river in the twelfth ward, at an expense of not more than five thousand dollars.

Number of hook and ladder men increased.

SECTION 31. The number of hook and ladder men of the fire department of the said city is hereby increased to six, at a salary of eight hundred dollars per year each, as now provided by law.

Salaries of certain officers.

SECTION 32. The annual salaries of the following officers shall hereafter be as follows: Of the assistant engineer of the fire department, one thousand five hundred dollars; of the engineers of the steamers of the fire department, twelve hundred dollars each; of the foremen of the fire department, one thousand dollars

each; of the deputy comptroller of the said city, one thousand two hundred dollars; of the members of the board of public works, two thousand dollars each; of the city clerk, two thousand dollars; of the deputy city clerk, one thousand two hundred dollars. The common council shall also have power to appropriate a sum not exceeding five hundred dollars, to provide suitable conveyances for use of members of the board of public works in the discharge of their official duty.

Limit of amount of taxation extended.

SECTION 33. The amount of taxes which the common council of the said city shall be authorized to levy annually for the general city fund, to pay the general expenses of the city, including the current expenses of the police and fire departments, bridge tending and the repairs of bridges and of school buildings, and excluding the support of schools and special funds and expenses authorized or to be authorized by law, is hereby increased to two hundred thousand dollars. And the amount for ward purposes, exclusive of taxes for special purposes, authorized or to be authorized by law, is hereby increased to one hundred thousand dollars.

May create and appropriate a sewerage fund.

SECTION 34. The common council of the said city shall have power to create and appropriate for the municipal year commencing on the third Tuesday of April, 1873, from taxes to be levied for that purpose in that year, a sewerage fund for the east sewerage district of the said city, not exceeding thirty thousand dollars; a sewerage fund for the west sewerage district of the said city, not exceeding thirty thousand dollars, and a sewerage fund for the south sewerage district of the said city, not exceeding fifteen thousand dollars.

A general dredging fund.

SECTION 35. The common council of the said city shall have power to create and appropriate for the municipal year commencing on the third Tuesday of April, 1873, from taxes to be levied for that purpose in that year, a general dredging fund not exceeding twenty-five thousand dollars, for general dredging expenses, of which the common council shall have power to expend a sum not exceeding six thousand dollars, in dredging the middle ground of the Kinnickinnic river, from its mouth to the Kinnickinnic avenue bridge, to a depth of fourteen feet.

A special ward tax for sixth ward.

SECTION 36. The common council of the said city shall have power, in addition to the general ward tax in the sixth ward of the said city, to be levied by tax in the municipal year commencing on the third Tuesday of April, 1873, to collect a special ward tax in the said sixth ward for said year, of three mills on the dol-

lar on the assessment roll of the said ward, to be used and expended in the improvement of Walnut street in the said sixth ward.

May pay out of general fund for certain purposes.

SECTION 37. The common council of the said city shall have power, in their discretion, to pay the following sums out of the general city fund for the municipal year, commencing on the third Tuesday of April, 1873: to Christopher H. Starke, two hundred dollars, for dredging done west of Sixth street bridge in the year 1870; to Richard Davis, one hundred and fifty-four dollars and eighty-nine cents, for extra work done on the Point street bridge; to Squires and White for building the approaches to Point street bridge, so much as the common council shall find to be justly due them therefor, and to Edward Keogh, the sum of sixty-six dollars and seventy-five cents for printing tickets for voting on the proposition for aid to the railway extension from Monroe to Dubuque, in 1872; to George Burnham, John Rugee, John Hiles, Trueman H. Judd, John H. Tesch, Ammi R. R. Butler and Guido Pfister, three thousand and eight hundred and fifty dollars for that amount expended by them for the construction of the Sixth avenue bridge, across the South Menomonee canal, in the year 1872. And the common council are hereby authorized and required to cancel and return to the obligors therein named the bond now held by the city, signed by Joseph Phillips, C. M. Sanger, Harry H. West and others, and held by the city treasurer as an indemnity for the same, of two thousand dollars paid out of the treasury for the expense of entertaining the citizens of Michigan on the occasion of their visit to the city of Milwaukee, in 1870.

Shall cancel bond.

May pay certain sums from the ward funds.

SECTION 38. The common council of the said city shall have power, in their discretion, to pay the following sums out of the following ward funds for the municipal year commencing on the third Tuesday of April, 1873, with the consent of the local committee of the ward or wards to be charged in each case, or a majority of them and each of them: out of the ward funds of the sixth, ninth and tenth wards of the said city, in equal parts, the sum of three hundred and ninety-seven dollars and sixty cents to Henry Jante & Co., for covering the main sewer in Galena street, between First and Second streets, in the year 1872; out of the sixth ward fund, the sum of one hundred and fifty dollars to William Pilger, for damages sustained by him by the filling of Walnut street in front of lot five in block two, in the year 1871; out of the eighth ward fund, the sum of one hundred dollars and sixty

cents to Edward D. Holton, for work done on the street crossing at Canal street, in the eigth ward, in the year 1870; out of the fourth ward fund, the sum of ninety-three dollars to George J. Rodgers, being the amount advanced by him in 1872, in consequence of a clerical error in an assessment for opening a canal on property of Edward Roddis.

May open and extend Marshall street.

SECTION 39. The common council of said city are hereby authorized to cause Marshall street to be extended and opened from Wisconsin street to Lake street in the third ward of said city, in the manner provided for in the charter of said city, and the acts amendatory thereof. The cost of extending and opening said Marshall street, between Wisconsin street and Lake street, shall be charged as follows: One-half of such cost shall be charged to the ward fund of the said third ward, and one-half thereof to the adjoining real estate, as now provided by law for making and opening streets in said city. The common council of said city are hereby authorized in addition to other ward taxes to be levied in the year 1873, to levy on the taxable property of the said third ward an amount sufficient to pay one-half of the cost of opening and extending the said Marshal street, from Wisconsin street to Lake street, as herein authorized.

How cost to be charged.

SECTION 40. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 130.

[*Published March* 25, 1873.]

AN ACT to amend section one hundred and twenty-one of chapter twenty-eight of the revised statutes, and section one of chapter three hundred and seventeen of the general laws of 1864, relating to the duties of the commissioners of school and university lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—when sale of lands to be void.

SECTION 1. Amend section one hundred and twenty-one of chapter twenty-eight of the revised statutes, by adding after the word, "school," the word, "swamp," and after the word, "certificate," at the end of the section, the words, "together with the interest thereon

from the time of such payment," so that said section one hundred and twenty-one will read as follows: "In case of the sale of any school, swamp or university lands, made by mistake or not in accordance with law, or obtained by fraud, such sale shall be void; and no certificate of purchase issued thereon shall be of any effect, but the holder of any such certificate shall be required to surrender the same to the commissioners, who shall thereupon refund the amount paid for the lands described in the certificate, together with the interest thereon from the time of such payment."

Amended—when may revoke and annul patent.

SECTION 2. Amend section one of chapter three hundred and seventeen of the general laws of 1864, by adding to such section the following: "And shall thereupon refund the amount paid for the lands described in such patent, with the interest on the same from the time of such payment to such patentee, his heirs or assigns." So that said section will read as follows: "Whenever the commissioners of school and university lands of this state are satisfied that they have erroneously or improperly signed any patent for school or university lands, or for swamp lands, and that wrong or injustice may have been done in consequence of the issuing of such patent, they shall be, and hereby are authorized and empowered, upon the application and request in writing of the patentee, his heirs or assigns, which application shall be filed in the office of the secretary of state, to revoke and annul the same, and shall thereupon refund the amount paid for the lands described in such patent, with the interest on the same from the time of such payment, to such patentee, his heirs or assigns."

SECTION 3. This act shall take effect from and after its passage.

Approved March 12, 1873.

CHAPTER 131.

AN ACT granting certain rights to incorporated and organized companies therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May provide for assessment of expenses.

SECTION 1. All incorporated companies now organized under any existing laws, or which may hereafter

organize under any general law of this state, for the purpose of driving, sorting and delivering sawlogs, timber and lumber on Yellow river, a tributary of the Wisconsin river, and for the improvement of said Yellow river for such purpose, and who have heretofore expended or shall hereafter expend a sum of not less than twenty thousand dollars for such improvement, may provide by the by-laws of such company. for the manner of the assessment of the expenses incurred by them, and to be charged to the owner or owners of such logs, timber and lumber, for driving the same, and also the amount to be charged to the owner or owners of such logs, timber and lumber, for sorting out and delivering the same to the owner or owners thereof, or to his or their agent: *provided*, that the whole amount so charged and assessed, as aforesaid, for driving, sorting out and delivering such logs, timber and lumber to the owner or owners thereof, shall not exceed, together, the sum now fixed and allowed in the act of incorporation under which such company is organized, or in any general law under which such company may hereafter organize; *and provided further*, that in case no sum or amont is fixed or specified in such acts of incorporation, or in such general law, as aforesaid, for driving, sorting out and delivering such logs, timber and lumber, then such amount shall in no case exceed the sum of one cent per thousand feet, board measure, for each and every mile said logs, timber and lumber may be driven by such company.

Limit of amount fixed for expenses.

Limit when no sum is fixed.

SECTION 2. Such company or companies so organized as aforesaid, are hereby authorized and empowered to demand, receive and collect, from the owner or owners of all such logs, timber and lumber all sums of money so assessed by them and due for driving such logs, timber and lumber, and such further sums as may be assessed by them and due for sorting out and delivering the same, which sums together, shall not exceed the sum of one cent per thousand feet per mile, as aforesaid, or the sum fixed in the act of incorporation or any general law under which such company may be organized, which sum may be assessed and collected for driving, and for sorting out and delivering separately or as a whole, as such company may determine.

Limit of charges fixed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 132.

AN ACT to establish and maintain a ferry across the Mississippi river from Glen Haven, in Grant county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Exclusive right to keep ferry.

SECTION 1. Frank Coard, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the term of ten years, of keeping and maintaining a ferry across the Mississippi river, from the village of Glen Haven, in Grant county, or within two miles from the said village of Glen Haven, up and down said river.

Shall furnish good and sufficient boats.

SECTION 2. The said Frank Coard, his associates or assigns, shall, within one year from the passage of this act, place and maintain at the aforesaid place, such good and sufficient boat or boats as may be necessary to carry across said river all teams, horses, cattle or other property, and for the accommodation of foot passengers, and shall, at all times, give ready and prompt attendance on passengers or teams, on all occasions, and at all hours of the day or night; but persons crossing the said ferry at night may be charged double the fare hereinafter prescribed.

May land boats on public highways.

SECTION 3. The said Frank Coard may land his boat, passengers and property on any public highway, which now does, or may hereafter terminate within the points above specified, or on the lands of any person or persons owning the same, he having first procured the permission of such owner so to do.

Shall execute and file bond.

SECTION 4. The said Frank Coard, his associates or assigns, shall, within one year from the passage of this act, file or cause to be filed with the clerk of the board of supervisors of the county of Grant, a bond to the said board with two or more sureties in the penal sum of one thousand dollars, conditioned that he will fulfill all the duties imposed upon him by this act, and in case of his failure so to do, he shall forfeit all the benefits that might accrue to him from its passage.

Forfeiture for lack of boats and attendance.

SECTION 5. That for every neglect to keep a good and sufficient boat or boats, or failure to give prompt and due attendance upon all persons wishing to cross the said ferry, the aforesaid corporator shall forfeit a sum not exceeding ten dollars, to be recovered by and for the use of said county in a civil action before any court having competent jurisdiction, and shall be further lia-

ble, in like actions for all damages any person may sustain by reason of the neglect of the aforesaid corporator, to fulfill any of the duties imposed upon him by said act, or any one in his employ.

SECTION 6. The rates charged for crossing at said ferry shall not exceed the following, except those crossing between the hours of eight o'clock, P. M., and six o'clock, A. M., when double said rates may be charged: For each foot passenger, twenty cents; for each horse, mare or mule, with or without rider, twenty-five cents; for each two horses or mule-team, seventy-five cents; for each single horse and carriage, fifty cents; for each additional horse, mare, mule, ox or cow, twenty-five cents; for each hog or sheep, ten cents; all freights of merchandise or other articles not in teams, at the rate of fifteen cents per hundred pounds, and one dollar per thousand feet for lumber. Rates of ferriage.

SECTION 7. If the said corporator, his heirs or assigns, or any ferryman or other person employed by him, shall take, exact, or receive any greater or higher rate of ferriage for transporting persons, goods and chattels or other things whatsoever, than is allowed by this act, the said corporator, his heirs or assigns shall be liable to the party aggrieved in the sum of five dollars for every such act, and which may be recovered before any justice of the peace of this state, having by law jurisdiction over the same. Forfeiture for exacting illegal rates.

SECTION 8. If any other person or persons shall, after the establishment of the said ferry, as aforesaid, set up, keep or maintain any ferry, or shall carry any persons or goods or chattels, for hire or pay across the Mississippi river, from any place on the east side or shore of the waters of said river within the points above specified, every such person shall, for every such offense, forfeit and pay the sum of ten dollars, to be recovered as aforesaid by and for the use of any person entitled by law to sue for the same. Penalty for infringement of right.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1873.

CHAPTER 133.

[*Published March* 15, 1873.]

AN ACT to legalize the official acts of Bernard McCabe, assessor of the town of Chilton, the official acts of the town board of equalization of said town and the tax roll of said town for the year 1872.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Official acts legalized.

SECTION 1. The official acts of Bernard McCabe, assessor of the town of Chilton, in the county of Calumet, for the year 1872, and the official acts of the town board of equalization for said town for the same year, and the tax roll of the town of Chilton, as placed in the hands of the town treasurer of said town for the same year, and all proceeding of said town treasurer in collecting the taxes in said roll are hereby legalized and declared valid.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 134.

AN ACT to authorize Frederick A. Dresser to keep and maintain a dam or dams across the Chimpanzee and Bean brook, in Burnett county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May maintain dam.

SECTION 1. Frederick A. Dresser, his heirs and assigns, are hereby authorized to keep up and main- a dam across the Chimpanzee, at the point described as follows: on section twenty-eight (28), in township forty-one (41), range ten (10) west; and the said Frederick A. Dresser, his heirs and assigns are hereby authorized to keep up and maintain a dam or dams at the points described as follows: one on section six (6), township thirty-nine (39), range ten (10) west; one on section eight (8), township thirty-nine (39), range ten (10) west, on the stream known as Bean brook, for the term of twenty years.

SECTION 2. The said Frederick A. Dresser, his heirs and assigns shall build and maintain suitable slides and gates in said dams, for the purpose of sluicing logs, timber and lumber over and through said dams, and shall keep the same in repair and shall hold the waters back, for the purpose of sluicing and driving said logs, timber and lumber, and when the case may require, the said gates shall be closed for that purpose. **Shall build slides and gates.**

SECTION 3. When the said Frederick A. Dresser, his heirs or assigns shall have completed the said dams as aforesaid, he or they are hereby authorized to receive and collect from the owner or owners of logs, timber or lumber, five cents per thousand feet, board measure, for all said logs, timber or lumber sluiced through or run over said dams, the number of thousand feet to be determined by the scale on the landings above said dams, and the sum of five cents per thousand feet for all logs, timber or lumber drawn out of the Mac Key branch, a tributary of the said Bean brook, by the aid of the said dams on Bean brook, or of logs landed on Bean brook below said dams and driven by the aid of said dams, the measure and amount to be determined as in the case hereinbefore provided, and the said charges shall remain and be a lien on said logs, timber and lumber until the same shall be paid. **May collect charges on logs for sluicing.**

SECTION 4. The aforesaid Dresser, his heirs or assigns, or authorized agents, shall have full and complete control of said dam or dams, and superintend all driving or sluicing of logs, timber or lumber through the same. **Shall have ful. control of dam.**

SECTION 5. Nothing in this act shall be so construed as to give the parties aforesaid any right to shut down the gates of said dams during the months of July, August and September, in each year, but the said dams and the gates thereof shall remain open during said months, and the waters of said Chimpanzee and Bean brook shall flow free and unobstructed through the said dams during the months aforesaid. **When dam to remain open.**

SECTION 6. This act shall be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 135.

AN ACT to authorize Samuel B. Dresser and George Wilson to build and maintain a dam across Osceola creek, in the town of Osceola, Polk county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build dam.

SECTION 1. Samuel B. Dresser and George Wilson, their associates, successors, heirs and assigns are hereby authorized to build a dam for manufacturing purposes across Osceola creek in county of Polk, in town thirty-three (33), range nineteen (19) west, section twenty-seven (27), in the town of Osceola.

Liable for damages for overflowing lands.

SECTION 2. Said dam may be erected to the perpendicular height of twenty feet: *provided*, that if the said dam shall cause the aforesaid creek or river to overflow the land of any other person or persons except the proprietors of said dam, to the injury of the owner or owners thereof, the said Samuel B. Dresser and George Wilson, their successors, heirs or assigns, shall pay in full all damages accruing at any time, in such manner when damages shall be determined by due process of law.

Penalty for injury to dam.

SECTION 3. Any person or persons who shall wilfully and maliciously destroy or injure said dam or any part thereof, shall be liable to its proprietors in an action of trespass for the amount of damage done, in addition to the penalties already prescribed by law, to be recovered in any court of competent jurisdiction.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 136.

[*Published March* 25, 1873.]

AN ACT amending section one, chapter ninety-five, general laws of 1871, "an act entitled to regulate the keeping of slaughter houses in this state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—penalty for keeping slaughter house in village limits

SECTION 1. Section one of chapter ninety-five of the general laws of the year 1871, entitled "an act to regulate the keeping of slaughter houses in this state," approved March 16, 1871, is hereby amended as follows: After the words, "one hundred inhabitants," strike out the word, "and," and insert the word, "or," so that said section shall read as follows: If any person shall erect, maintain or use any building heretofore erected for the purpose of a slaughter-house, within the limits of any village of not less than one hundred inhabitants, or within one-eighth of a mile from any dwelling house or building used as a place of business, every such person shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, at the discretion of the court.

Forfeiture for permitting slaughter houses.

SECTION 2. Every president of an incorporated village and chairman of the board of supervisors, who shall knowingly permit any slaughter house to be used or maintained, contrary to the provisions of this act, after he shall have been notified of any such violation, shall forfeit for any such offense, a sum of not less than fifteen or more than fifty dollars.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1873.

CHAPTER 137.

[*Published March* 14, 1878.]

AN ACT to repeal sections one and two of chapter one hundred and seventy-five of the general laws of 1869, entitled an act to amend sections six, fifteen and twenty-nine of chapter one hundred and thirty of the general laws of 1868, entitled an act to provide for the assessment of property for taxation and the levy of taxes thereon, and to amend section twenty-nine of the general laws of 1868, entitled an act to provide for the assessment of property for taxation and the levy of taxes thereon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Section one of chapter one hundred and seventy-five of the general laws of 1869 is hereby repealed.

Repealed.

SECTION 2. Section two of chapter one hundred and seventy-five of the general laws of 1869 is hereby repealed.

Re-enacted.

SECTION 3. Section twenty-nine of chapter one hundred and thirty of the general laws of 1868 is hereby re-enacted. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1878.

CHAPTER 138.

[*Published March* 14, 1878.]

AN ACT relating to the service of a summons in a civil action, and amendatory of section twenty-seven of chapter one hundred and thirty-eight of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—certificate of officer to be evidence.

SECTION 1. Section twenty-seven of chapter one hundred and thirty-eight of the revised statutes is hereby amended by adding thereto the following sentence, to-wit: "The certificate of such sheriff or other proper officer, indorsed upon the summons, stating the time when he received the same for service, shall be

prima facie evidence in all courts and places, that he did receive the summons for service upon the day in the said certificate named.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 189.

[*Published March* 14, 1873.]

AN ACT to amend section twelve of chapter one hundred and fifty-four of the general laws of 1862, entitled "an act to provide for lien for labor and services upon logs in certain counties."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—who to be made defendants.

SECTION 1. Section twelve of chapter one hundred and fifty-four of the general laws of 1862 is hereby amended by inserting the words: "And the owner or owners of such logs, if known, and if not known, then the person or persons whose recorded log marks are upon such logs," after the word, "claim," where that word appears in the third line of said section, so that said section shall read as follows: "In all suits or actions under the provisions of this act, the person, company or corporation liable for the payment of such debt or claim, and the owner or owners of such logs, if known, and if not known, then the person or persons whose recorded log marks are upon such logs, shall be made defendants."

SECTION 2. All acts or parts of acts conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1873.

CHAPTER 140.

AN ACT to change the name of the Sycamore Street Baptist Church, in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name of church changed.

SECTION 1. The name of the Sycamore Street Baptist Church, in the city of Milwaukee, which is a corporation existing under the general laws of the state, is hereby changed so as to be the Second Baptist Church of the city of Milwaukee, under which name it shall hereafter be known and shall have all the rights, powers and privileges, and be subject to all the obligations which the Sycamore Street Baptist Church now has or is under.

SECTION 2. This act shall take effect and be in force immediately after its passage and publication.

Approved March 12, 1873.

CHAPTER 141.

[*Published March* 14, 1873.]

AN ACT to amend chapter sixty-four of the general laws of 1871, entitled an act to authorize town supervisors to construct drains in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—shall determine as to repair of ditch.

SECTION 1. Chapter sixty-four of the general laws of 1871 is hereby amended by adding thereto to following additional section: In all cases, whenever the supervisors shall lay out and establish any ditch, and shall divide the same into sections as provided by section seven of the chapter to which this is amendatory, they shall also determine what portion of said ditch shall be maintained and kept in repair by each person interested in said ditch.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 142.

AN ACT to authorize Israel Graves to maintain a ferry across Lake St. Croix in the town of Hudson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Israel Graves, his heirs, associates and assigns are hereby granted the right exclusive to keep and maintain for the term of ten years from the 5th day of March, A. D. 1873, a ferry across the Lake St. Croix at any and all points between the West Wisconsin railway bridge across Lake St. Croix at Hudson, in St. Croix county, and the north line of township twenty-nine in said county. **Exclusive right to maintain ferry.**

SECTION 2. There shall be kept for use upon said ferry, proper boat or boats, and said Graves, his heirs, associates and assigns, shall at all reasonable hours provide good and sufficient means for ferriage for passengers, teams and merchandise, except when it shall be dangerous from the state of the weather on said lake so to do. **Shall keep proper boats.**

SECTION 3. The said Israel Graves, his heirs, associates and assigns, shall be entitled to demand and receive payments for ferriage each way upon said ferry, according to the following rates, to-wit: for each foot passenger, ten cents; for each team of two horses, mules or oxen, loaded or unloaded, with or without a driver, seventy-five cents if with a vehicle, and fifty cents if without a vehicle; for each single ox, horse or mule with a vehicle, with or without a driver, fifty cents; for each ox, mule, ass or horse without a vehicle, twenty-five cents; for cattle, single, fifteen cents each; for ten or more of cattle, twelve cents each; for each single sheep or other animal not above specified, five cents. **Rates of ferriage.**

SECTION 4. This act shall take effect upon its passage and publication.

Approved March 12, 1873.

CHAPTER 143.

[*Published March* 14, 1873.]

AN ACT to legalize the acts of Leonard F. Whelock as justice of the peace in the county of Douglas.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts as justice legalized.

SECTION 1. All the acts of Leonard F. Whelock, of the town of Superior, in Douglas county, as justice of the peace, are hereby legalized and declared to be as valid and binding in all respects as if the said Whelock had filed his official bond in the office of the clerk of the circuit court of said county within the time limited therefor by law, and said bond been approved by the supervisors of the town of Superior.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1873.

CHAPTER 144.

[*Published March* 14, 1873.]

AN ACT fixing the time when brook trout may be caught from any of the waters in Ashland, Bayfield and Douglas counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When trout may be caught.

SECTION 1. Brook trout may be caught as now provided by law in any of the waters in Ashland, Bayfield and Douglas counties, between the first day of March and the fifteenth day of September following, in each year. All acts and parts of acts, so far as they conflict with this law, are hereby repealed.

SECTION 2. This act shall be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 145.

[*Published March* 26, 1873.]

AN ACT to enable certain towns in conjunction with adjacent counties in another state to aid in maintaining a hospital for indigent and other sick persons, and to authorize said towns to levy a tax for such purpose.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be lawful for any town in this state, acting in conjunction with an adjacent county in another state, to keep and maintain a hospital for the use af indigent and other sick persons of said town and county, and said town may receive all rights, purchases, grants and donations made to and by the association formed or to be formed by said town and county, and by their associate name perpetuate, keep and maintain said hospital, and acting in conjunction with the board of supervisors of said adjacent county in said other states, may make such rules and regulations as shall be necessary for the proper conduct of the officers of such association. **May keep and maintain hospital.**

SECTION 2. Said town, at any meeting of its board of supervisors, may appoint three trustees for said association, one for one year, one for two years and one for three years, and shall annually thereafter appoint one trustee who shall hold his office for three years; said trustees acting in conjunction with three trustees to be appointed by the board of supervisors of said adjacent county in said other state shall, at the annual meeting of the trustees of said association on the ninth day of October, 1873, enter upon their duties as trustees of said association, and the terms of office shall be deemed to commence at the said annual meeting for each year, after the ninth day of October, 1873; the said three trustees acting with the three trustees appointed by the board of supervisors of said adjacent county in said other state shall constitute the board of trustees for said association; the said board of trustees shall elect a president of said association, who shall be a resident of either said town or said county in the other state, and such other officers as shall be required to conduct said hospital, and the officers of the association, who shall hold their offices for one year; they may make all needful by-laws, rules and regulations that shall become necessary to carry out the objects of **May appoint trustees of the association, and amend by-laws.**

Trustees may receive grants of land and convey the same.

the association. A majority of the members of the board of supervisors of said town and county may amend any by-law, rule or regulation made by said board of trustees if in their judgment the same is improper or objectionable. Said board of trustees may receive for the use of the hospital any grant of lands and any donation of money, lands or property which may be made for the use of the same, and shall have full control of the same, and of all property belonging to said association, and may grant and convey any lands which may be granted to the same, and which may not be needed for the use of said hospital. All grants of land for the use of said hospital may be made to the trustees of said association formed or to be formed under the laws of this state, or such other state by its corporate name and style, and by that name be conveyed by a deed signed by the president and trustees of said association.

Towns may issue and negotiate bonds to aid in erecting hospitals.

SECTION 3. Every town in this state which has formed or shall form an association for the purpose of establishing a hospital for the care of the indigent and other sick, in conjunction with an adjacent county in another state, is hereby authorized and empowered, by the board of supervisors of such town, to issue and negotiate the bonds of such town to an amount not to exceed five thousand dollars at one time, such bonds not to run over five years, and not to draw over ten per cent. interest per annum, for the purpose of aiding in the erection of suitable buildings for such hospital; and said board may also appropriate a sufficient sum of money to defray the expense of maintaining such hospital, and may levy and collect a tax for the payment of the principal and interest of any bonds of the town issued for that purpose, and for the payment of the appropriation so made, in the same manner as is provided by law for levying and collecting taxes for other town purposes.

Overseers of poor to provide for the indigent.

SECTION 4. The overseers of the poor for such town are hereby authorized to provide for the care of such sick and disabled indigent persons who may become a charge on the poor fund in said town in the hospital of such association, and to defray the expenses of such care out of the poor fund of said town.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1873.

CHAPTER 146.

[*Published March* 13, 1873.]

AN ACT to authorize and provide a re-survey and re-platting of the village of Montello, and the additions thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The president and board of trustees of the village of Montello, in Marquette county, are hereby authorized and empowered to make or cause to be made a re-survey and a re-platting of the village plat of North Montello and the additions thereto, in said village of Montello, or as much thereof as the said village authorities shall think proper, and cause the plat thus made to be recorded in the office of the register of deeds in said Marquette county. **May make a re-survey of village.**

SECTION 2. The said village plat, with a certificate of the surveyor who made the survey thereof, and the certificate of the village officers aforesaid, attested by the village clerk, attached thereto, and properly recorded as aforesaid, shall be held to be a legal plat of the lands thus platted, for all purposes whatever. **Shall be a legal plat.**

SECTION 3. The full expenses for survey, platting and recording contemplated and provided for in this act, shall be paid by said village of Montello as now incorporated; and the proper authorities of said village are hereby authorized to levy a special tax upon the property of said village of Montello for that purpose. **Shall levy special tax to pay expense.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 147.

AN ACT to authorize the Red Wing and Menominee Railroad Company to build a bridge across the Mississippi river at or near Red Wing, Minnesota.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That the Red Wing and Menominee Railroad Company be and are hereby authorized and **May construct railroad bridge.**

empowered to construct and maintain a railroad bridge across the Mississippi river, and its several channels in this state, at or near Red Wing, in the state of Minnesota; and for that purpose, as well as for the purpose of running cars and engines upon and over the same, may exercise all the corporate powers vested in said company by its charter: *provided*, said bridge shall be built in conformity with the provisions of the act of congress, passed in reference thereto, approved June tenth, 1872.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 148.

[*Published March* 15, 1873.]

AN ACT to incorporate the city of Boscobel.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER 1.

Shall be a municipal corporation, and its powers.

SECTION 1. All the district of country in the county of Grant contained within the boundaries hereinafter described shall be a city by the name of "Boscobel," and the people now inhabitants, and those who shall hereafter inhabit said district, shall be a municipal corporation, the name of which shall be the "city of Boscobel." Said corporation shall have the general powers possessed by municipal corporations at common law, and in addition thereto, the powers hereinafter specifically granted, and the authority thereof; shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts; and shall have a common seal, and may change the same at pleasure.

Territorial limits.

SECTION 2. The territory included within the following boundaries shall constitute said city of Boscobel, to wit: All of section twenty-two (22) that lies in Grant county, the west half of section twenty-six (26), all of the east half of section twenty-seven (27) which lies in Grant county, the northeast quarter of section

thirty-four (34), and the northwest quarter of section thirty-five (35), and the northwest quarter of the southeast quarter of section twenty-six (26), all in town eight (8) north, of range three (3) west, shall hereafter be known and designated as the city of Boscobel.

Ward boundaries.

SECTION 3. The said city shall be divided into four wards, the boundaries of which shall be as follows, to wit: First ward, that portion of said city lying and being east of Wisconsin avenue and north of Oak street; second ward, that portion of said city lying and being east of Wisconsin avenue and south of Oak street; third ward, that portion of said city lying and being west of Wisconsin avenue and north of Oak street; fourth ward, that portion of said city lying and being west of Wisconsin avenue and south of Oak street.

OFFICERS.

City officers—their election and term of office.

SECTION 4. The officers of said city shall consist of one mayor, four aldermen, one clerk, one assessor, one treasurer, two justices of the peace, one constable, who shall be ex-officio marshal of said city, and such other officers as the mayor, by and with the consent of the aldermen, shall ordain; said officers shall be elected by the qualified voters of the said city, except as hereinafter provided, on the third Monday in April in each year, and shall hold their respective offices for one year, and until their successors are elected and qualified, except the said justices of the peace, who shall be elected every two years, and shall hold their said office for the term of two years; one of said aldermen shall be elected from each ward named in section three of this act.

ELECTIONS AND VACANCIES.

Notice of elections.

SECTION 5. The clerk shall give at least ten days' notice of the time and place of holding an election, and the mayor and aldermen, or any two of them, shall preside at every such election; and any vacancy in the office of mayor or other elective officer shall be filled by special election: *provided*, that when any vacancy occurs in the office of any alderman, the same shall be filled by a qualified elector and resident of the ward in which such vacancy occurs, and in the manner provided in this act. All other officers shall be appointed by the mayor and aldermen, and shall hold their offices during the term for which such mayor and aldermen are elected, and until their successors are

Appointive officers.

appointed and qualified, and shall be subject to removal by said mayor and aldermen. All persons qualified to vote in said city for member of the state assembly, and who are residents of said city at the time such vote is offered shall be legal voters for corporation officers. The voters present at any election may appoint three voters to act as judges of election, in case there shall not be a quorum of aldermen present to conduct the election.

Qualifications of voters, and appointment of inspectors.

When polls to be open.

SECTION 6. At all elections held under this act, the polls shall be opened at one o'clock in the afternoon, and shall continue open until five o'clock in the afternoon of the same day; and the election shall be by ballot, conducted in the same manner, as far as may be, as elections for members of assembly, and a plurality of votes shall in all cases decide the election.

Non-election not to dissolve corporation.

SECTION 7. In case such officers or any of them shall not be elected as herein provided, the corporation shall not thereby be dissolved, but special election for the election of mayor and of aldermen may be held as herein provided for annual elections, and in case there shall be no officer to give notice thereof, then such notice may be given by any ten freehold voters of said city, as herein provided for annual elections.

Officers shall take oath.

SECTION 8. Every officer elected or appointed under this act, before he enters upon the duties of his office, and within ten days after his appointment or election, shall take an oath faithfully to discharge the duties of his office, and to support the constitution of the United States and of this state and the laws thereof.

Certain officers to give bonds.

SECTION 9. The treasurer and constable and such other officers as the common council may direct, before they enter upon the duties of their offices, shall severally give bonds to the said city in such sum, with such conditions and with [such] sureties as the said city council or a majority of them shall direct. The mayor shall preside at all meetings of the aldermen, sign all commissions, licenses and permits which may be granted by the aldermen. He shall maintain peace and good order, and see that the ordinances of the city are observed and executed, and when presiding at any meeting of the aldermen, shall have a casting vote when the votes of the members are equal.

Time and place of meeting of council.

SECTION 10. The mayor and aldermen shall prescribe the time and fix the place of their meetings, which shall at all times be open to the public, and shall determine the rule of their proceedings, and keep a journal thereof, which shall be open for the inspection of every respectable citizen at all seasonable times

and hours, and shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

Powers and duties of the marshal.

SECTION 11. The marshal shall possess all the powers and enjoy all the rights of a constable of this state, and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, by the police justice or other judicial officer; and when necessary in criminal cases, or for the violation of any of the provisions of this act, or of any ordinance of said city, or by-law, rule, regulation or resolution thereof, he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said city, and pursue and arrest any person fleeing from justice, in any part of the state of Wisconsin; to apprehend any person in the act of committing any offense against the provisions of this act, or of the laws of this state, or the ordinances, by-laws, rules and regulations of the city, and forthwith to bring such persons before competent authority for examination; and for such and other similar services, he shall receive like fees as allowed to constables for like services. It shall be the duty of the marshal to see that all peddlers, hawkers and common showmen and all other exhibitors, pay their licenses according to law and this act and the ordinances of the city, and in default of payment, to prosecute for the same, in the corporate name of the city, and pay over the same to the treasurer when received by him.

Powers and duties of the treasurer.

SECTION 12. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances, rules, regulations, resolutions or by-laws of said city, and by law. All moneys raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said city, shall be paid to and received by him, and shall not be drawn therefrom except by a written order signed by the mayor, and countersigned by the clerk by order of council. Such order shall specify the amount of money to be drawn, and its object. He shall keep a just and accurate account of all moneys

and other things coming into his hands as treasurer, in a book to be provided by the city for that purpose, which shall remain the property of the city, wherein he shall note the time when, the person from whom the amount of the several sums received, and the source from whence the said sums arose, which said book, at all seasonable times, shall be open to the inspection of the electors of the city. He shall, as often as the council require, render to said council a minute account of his receipts and payments, and at the expiration of his term of office, he shall pay over and deliver to his successor in office, all moneys, books and vouchers in his possession belonging to said city.

Powers and duties of the clerk.

SECTION 13. It shall be the duty of the clerk to keep a record of the doings of the council, especially of the passing of by-laws, ordinances, rules, resolutions and regulations, and also a faithful record of all the doings and votes of the inhabitants of said city, at their annual and other legal meetings, and to keep on file all papers which may be ordered by the council. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the record of the proceedings of the council certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall keep the corporate seal of the said city. He shall keep a full and accurate account of all orders drawn on the treasurer, in a book provided for that purpose, and shall keep all accounts of the city with individuals, and shall also keep an accurate account with the treasurer, and charge him with all taxes levied, and the sums of money paid into the treasury; and all receipts of the payment of money or property to the treasurer shall be countersigned by the clerk, before they shall be a legal voucher against the city. The clerk shall have power to administer oaths.

Other and further duties may be required.

SECTION 14. The mayor and common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

SECTION 15. If any person, having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office, all property, moneys, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver. Any such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Shall deliver over books, papers, etc., to successors.

SECTION 16. The style of all ordinances passed by the mayor and common council shall be: "the mayor and common council of the city of Boscobel do ordain as follows." The mayor and council shall constitute a quorum for the transaction of any business, and in the absence of the mayor, the members of the common council present shall elect one of their number mayor *pro tem.*, who, for the time being, shall possess all the powers of the mayor.

Style of ordinances.

Mayor pro tem.

SECTION 17. The mayor and common council shall have the exclusive authority, within the corporate limits of the said city, to grant according to law or ordinance or both, licenses for selling wine, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks, regulate and license groceries, taverns, hotels, victualing houses and saloons, and all persons vending or dealing in any such liquors, drinks or liquids, and to revoke the same, and no person shall sell, vend, deal in or for the purpose of evading the provisions of law or of this act or the ordinances of said city, give away any such wine, beer, cider or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors or drinks, within such corporate limits, without having first obtained license thereof as provided by this act, the laws of this state and the ordinances of said city; and any person who shall, in any manner, violate any of the provisions of this section, or the ordinances or laws herein referred to, shall, on conviction thereof, be punished as provided by the laws of this state and the ordinances of said city on this subject, and all such offenses shall be prosecuted as provided by such laws and ordinances. All money received for such licenses shall be paid to the treasurer of said city for its use: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state or the ordinances of said city, and that no license shall be granted for a less time than

Power to grant licenses.

Disposal of license money, and the amount to be charged.

Not to give away liquors.

one year; *and provided further*, that no person thus licensed, without being so licensed, shall sell or give away any such wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks on election day or on Sunday.

The proof necessary to a conviction.

In all prosecutions for any violation of this section or of the laws or ordinances herein referred to, it shall be sufficient to allege, in general terms, the selling, vending, dealing in or giving away without such license of such inhibited liquors, liquids or drinks, and the proof on the trial, of such selling, vending, dealing in or giving away to any person, of any one of such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction, on proof that the person charged kept a bar, sideboard or other thing or fixture with bar furniture usually used by persons vending or dealing in such inhibited liquors, liquids or drinks shall be *prima facie* evidence sufficient to warrant and sustain a conviction, as proof that he delivered any such inhibited liquors, liquids or drinds to any person, shall also be *prima facie* evidence sufficient to warrant and sustain a conviction for any such violation.

Prohibition of slaughter houses.

SECTION 18. No person shall keep a slaughter-house, yard or pen, or occupy any open ground for slaughtering purposes within the corporate limits of said city, or keep any such place for depositing the offal of slaughtered animals within such limits, without the consent of said mayor and common council entered of record; and any person who shall violate this section shall, on conviction thereof, forfeit and pay for each day he shall keep or occupy any such place for such purpose, the sum of twenty dollars, with costs of prosecution, and shall also in addition thereto, be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine and imprisonment. All such places are hereby declared to be "common nuisances," and shall be abated as provided by law and the ordinances of said city.

Special powers vested in the council.

SECTION 19. The mayor and common council shall have the control and management of all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations, resolutions and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient,

declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations, resolutions or by-laws; and such ordinances, rules, regulations, resolutions or by-laws are hereby declared to be and have the power and force of law: *provided*, that they be not repugnant to the constitution and the laws of the United States or of this state; and for these purposes they shall have power and authority, by ordinances, resolutions, by-laws, regulations or rules,

SHOWS.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, and to provide for the abatement of all nuisances, under the ordinances or at common law; to restrain, prohibit or license billiard tables, ten-pin or other ball alleys, or the setting up or playing on the same in said city. License shows.

GAMING.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous intoxicating, alcoholic, malt, mixed, fermented or vinous liquors, unless duly licensed by them. Restrain gaming.

RIOTS, ETC.

3d. To prevent any riots, noises, disturbances or disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for purpose of gaming. Prevent riots.

NUISANCES.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city. Abate nuisances.

SLAUGHTER HOUSES, AND GUNPOWDER

5th. To direct the location and management of slaughter houses and to prevent the erection, use and occupation of the same, and to establish rates for and Location of slaughter houses.

license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible material.

INCUMBERING STREETS, ETC.

Encumbering streets.

6th. To prevent the incumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, fire-wood or other materials or substances whatever.

HORSE RACING.

Horse racing.

7th. To prevent horse racing, immoderate riding or driving in the streets.

RESTRAINING HORSES, ETC.

Running at large of cattle.

8th. To restrain the running at large of horses, cattle, mules, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

DOGS.

Of dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

PUTRID CARCASSES, &C.

Deposit of putrid carcasses.

10th. To prevent any person from bringing, depositing or leaving within said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, and in default of such person, to authorize the removal of the same by some competent officer, at the expense of such person or persons.

POUNDS, &C.

Pounds, etc.

11th. To make and establish a pound and appoint a pound master, also to protect shade or ornamental trees on the public squares or in the streets of the corporation.

MEETINGS, COMPENSATION OF OFFICERS.

Regular and special meetings.

12th. To call regular and special meetings of the voters of the said city, and to prescribe the compensation of the clerk of the city, and shall examine, audit and adjust the accounts of all persons, but shall receive no compensation whatever for their services as officers of said city.

FIRE COMPANIES, ETC.

13th. To organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to construct and preserve reservoirs, pumps, wells and other water works, and regulate the use thereof, and generally to establish such measures of prudence for the prevention or extinguishment of fires as they may deem proper. Organize fire companies.

DRUNKARDS, ETC.

14th. To restrain drunkards, immoderate drinking or obscenity in the streets or other places in the said city, and to provide for the arresting, removing and punishing of any person or persons, who may be guilty of the same. Restrain drunkards.]

PEDDLERS, ETC.

15th. To regulate, suppress or license hawkers and peddlers. License peddlers.

SHADE TREES.

16th. They shall have power to require the owner of any lots or grounds in the city, to set out ornamental trees in the street or streets fronting the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lots or grounds to pay the expense of the same. Set out shade trees.

RUBBISH, ETC.

17th. To compel the owners of buildings or the occupants, when the same are occupied, to remove snow, dirt or rubbish from sidewalks, streets or alleys, opposite thereto, and in default, to authorize the removal of the same by some officer of the city, at the expense of such owner or occupant. Remove obstructions.

POLL TAX.

18th. To tax every male resident of said city above the age af twenty-one years, one day's labor, or in lieu thereof, one dollar, to be appropriated to improving the roads and streets of said city, under the direction of such person as they may appoint. Levy poll tax.

SIDEWALKS.

19th. Upon the application of the owners of two-thirds of the lots on any street or part of a street, or on one side of any block, to levy and collect a special tax on Special tax for sidewalks.

the owners of the lots on such street or part of street, according to their respective parts, for the purpose of making a sidewalk along the same, or grading, paving and improving the street along the same.

OPENING STREETS, ETC.

Open streets.

20th. To make, open, keep in repair, grade, improve, lay out, alter, widen, vacate or discontinue streets, lanes, alleys, sewers and sidewalks, to keep them free from incumbrances, and to protect them from injury in said city.

TAX FOR STREET IMPROVEMENTS.

How special tax to be levied.

SECTION 20. Whenever the common council shall levy any special tax for the purpose of grading, paving or otherwise improving any street, or for the building or repairing of any sidewalk, or for any other special purpose, they shall make out and deliver to the street commissioner such tax, to be collected and expended, and a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice in three or more of the most conspicuous places in said city, or in some public newspaper published therein, and shall specify in such notice a time, not less than twenty days nor more than thirty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money, and the persons charged with such tax may, within such time and at such place as may be required by such street commissioner, pay their taxes in labor or materials: *provided*, the labor and materials offered in payment for such taxes are suitable and such as may be required by the said street commissioner.

COLLECTION OF TAXES.

Return of tax list, with statement, etc.

SECTION 21. At the expiration of thirty days from the time the said street commissioner shall have received such tax list, he shall return the same to the common council, accompanied by a statement verified by his affidavit, subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended and the items of expenditures, also, the taxes which remain unpaid and the persons and description of real estate and lots to which such unpaid taxes stand charged, and the clerk of said city shall extend the same on the assessment roll of the city in

the same manner as other taxes against such persons, descriptions of real estate and lots; and such taxes shall be collected in the same manner as the general taxes of said city, and when so collected, shall be paid on the order of the common council, and when not previously applied, shall be expended under their direction on the street or sidewalk, or for the purpose for which they were originally assessed.

PENALTIES FOR VIOLATION OF ORDINANCES.

Penalties for violation of the ordinances.

SECTION 22. In all cases in relation to which, by the provisions of this act, the mayor and common council have power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject, they may prescribe any penalty for the violation of such rules, ordinances, regulations, resolutions or by-laws, not exceeding fifty dollars for any one offense in violation or non-observance thereof, and also may provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may, by such ordinance, by-law, rule, regulation or resolution, direct, not exceeding thirty days, for which purchase the said city shall have the use of the jail of the county in which said city is situated, for the imprisonment of any person liable to be imprisoned; and all such persons committed to said jail by the marshal or any other officer shall be under the charge of the sheriff of said county; and every execution issued upon judgment for any violation of the provisions of this act, or for the violation or non-observance of any ordinance or by-law, rule, regulation or resolution of said city, shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant in the said county jail or the jail provided by said city, for such term as shall have been provided for by this act, or the ordinance, rule, regulation, resolution or by-law under which the judgment shall have been rendered, or in the discretion of the court, in the absence of such provision, by this act or by rule, regulation, resolution, by-law or ordinance. All fines, penalties and forfeitures when collected shall be paid into the treasury of said city for its use.

Executions to direct imprisonment, in default of payment of fine.

HOW ACTIONS TO RECOVER PENALTIES TO BE BROUGHT.

Manner of bringing actions.

SECTION 23. All actions brought to recover any penalty or sum of money or forfeiture under this act,

or the ordinances, by-laws, rules, regulations or resolutions, shall be brought in the name of the city, without being required to give security for costs in any such action, and the process may be either by summons or warrant, and it shall be sufficient without setting forth the special matter, to declare generally, stating the clause of this act or by-law, ordinance, resolution, rule or regulation under which the action is brought. The defendant may plead the general issue and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule regulation or resolution, published in a newspaper or pamphlet by authority of the common council, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation or resolution.

PUBLICATION OF ORDINANCES.

Ordinances, etc., to be published and recorded.

SECTION 24. Any ordinance, regulation, resolution, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the city before the same shall be in force, except as hereinafter provided, and proof of such publication by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, regulation, resolution, rule or by-law in all courts and places, and within ten days after such publication, they, with said affidavit, shall be recorded by the clerk of the city in books to be provided for that purpose, which record shall also be conclusive evidence of such publication and passage of such ordinance, rule, regulation, resolution or by-law, in all courts and places. No ordinance, rule, regulation, resolution, by-law or appropriation shall be passed, made, altered, amended or repealed without an affirmative vote of the majority of the common council in its favor, which vote shall be taken by "ayes" and "noes," and entered of record.

To be passed by ayes and noes.

How ordinances, etc., to be published.

SECTION 25. All notices, ordinances, by-laws, rules, regulations, resolutions or other matter required by or under this act to be published in a newspaper, shall be published in a weekly newspaper published in said city, if there be one, and if no such newspaper shall be published in said city, then the same shall be published by posting up the same, either in writing or print, in three or more of the most public places in the said city. In all actions brought by or in the name of the said city or against it, the said city shall have the

same right of appeal, or to a writ of *certiorari* or of error, as individuals have, and in no case shall any judgment be rendered against said city for costs, but it shall be liable for costs in criminal cases, and no more; and no person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any action or proceeding in which said city is a party interested.

SUITS TO ABATE NUISANCES.

Suits to abate nuisances.

SECTION 26. The powers conferred upon the said mayor and common council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where intoxicating, alcoholic, malt, mixed, spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances, and shall be abated as herein provided, and according to the laws of this state for abating nuisances.

EXCLUSIVE JURISDICTION.

Jurisdiction of justices.

SECTION 27. The justices of the peace elected under this act, and residing within the corporate limits of said city, shall have exclusive jurisdiction of all actions, trials and examinations arising under this act, or the ordinances, by-laws, rules, resolutions or regulations passed in pursuance of this act.

REMOVAL OF OFFICERS.

Appointment and removal of officers.

SECTION 28. The common council shall have power to appoint, and at their pleasure to remove, the following officers, to wit: One city clerk, one chief engineer of the fire department and a street commissioner, and prescribe their duties and fix their compensation under the provisions of this act, and to require bonds for the faithful performance of their duties, when deemed expedient and necessary by the common council.

SERVICE OF PROCESS AGAINST THE CITY.

How process against city to be served.

SECTION 29. When any suit or action shall be commenced against the said city, the service in such case shall be made by leaving a copy of the process, duly

certified to by the proper officer, with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as by the ordinances or resolutions of said city may be in such case provided.

CITY DEBTS.

Private property not liable for public debt.

SECTION 30. No real or personal property of the said city, or of any inhabitant of said city, or of any individual or corporation, shall be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

DAMAGE FOR WIDENING STREETS.

Damages for widening streets.

SECTION 31. The mayor and common council, in case of laying out or widening any street, alley or public walk, shall pay the owner or owners of any land or lots through which any such street, alley or public walk so laid out or widened by them shall pass, adequate compensation for any damages which may be sustained in consequence.

HOW TO BE ASCERTAINED.

Jury to ascertain damages.

SECTION 32. Such damages shall be ascertained by six freehold electors of the said city, to be summoned by any justice, upon the request of the mayor of said city, for that purpose as a jury, who shall determine the necessity thereof. They shall be selected by the said mayor and the party claiming damages, in the same manner as jurors before justices of the peace in civil cases are selected, and after being selected and summoned as aforesaid, they shall be sworn by some person having power to administer oaths, truly to ascertain, upon actual view, first, the necessity thereof, and then such damages. They shall take into consideration the benefit, if any, as well as the damage from the laying out and widening of such street, alley, or public walk to such party claiming damage, and the persons so selected, summoned and sworn shall proceed to the discharge of their duty in the premises, and make report in writing, over their several signatures, to said mayor within twenty-four hours, which report shall be binding upon the corporation and the party claiming such damage.

EXPENDITURE OF HIGHWAY TAXES.

How highway taxes to be expended.

SECTION 33. All highway taxes, assessed or payable on property or persons resident or being within said city, shall be expended on any and all the highways,

streets and bridges in said city, but not on any sidewalks, crossing or alley, and the street commissioner in said city shall apply and expend the highway taxes assessed and collected on property or persons resident or being within said city, under and according to the direction and control of the common council of said city, any law to the contrary notwithstanding: *provided, however*, that the common council of said city may, by special order previously made, allow such portion of the highway taxes assessed or collected in said city, not exceeding one-half part thereof, to be expended without the limits of said city, on any public highways leading from said city.

POWERS OF MAYOR AND COMMON COUNCIL.

Tax to pay city debt.

SECTION 34. The mayor and common council shall have power, and it is hereby made their duty in each year, to levy and assess upon the taxable property in said city, such a sum of money as taxes as shall be sufficient to pay and discharge the outstanding debt of the corporation, if any, and its expenses for the current year, after applying the money from other sources to such purpose, and no more: *provided*, that there shall not be raised under this section in any one year an amount exceeding three hundred dollars, unless authorized by a vote of the qualified electors of said city.

HOW TAX COLLECTED.

How to be collected.

SECTION 35. All taxes raised and collected in the said city of Boscobel for the purpose authorized by the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of the said city, as taxes for town, county and state purposes are levied and assessed.

AMOUNT TO BE DETERMINED.

Determination of amount of taxes.

SECTION 36. The mayor and common council of the said city shall, on or before the first Monday of November in each year, by resolution to be entered upon the records, determine the amount of such corporation tax to be levied and assessed on the taxable property within the corporate limits of the said city for the current year, and the clerk of the said city shall thereupon, within the time now required by law for town clerks to make and complete their tax rolls, extend the same upon the tax roll of the said city.

STATEMENT OF ELECTION OF OFFICERS TO BE FILED WITH CLERK OF CIRCUIT COURT.

Shall make and file statement of officers elected.

SECTION 37. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. It shall be the duty of the clerk of said city, immediately after any election under this act, to make out a statement of the persons elected as corporation officers, and of the persons appointed to the offices of the corporation, whenever an appointment of such officer is made, with the fact of the acceptance and qualification of such officer so elected or appointed, under his hand and corporate seal, and file the same in the office of the clerk of the circuit court of the county in which said city is situated; and it is hereby made the duty of the clerk of such circuit court to file the same in the same manner as he files and preserves like certificates of the election and qualification of justices of the peace and other town officers.

FIRST ELECTION.

How first election to be ordered.

SECTION 38. The first election of officers under this act shall be held on the third Monday in February, 1873, in case this act shall take effect on or previously to that day, and the official publication of this act shall be sufficient notice of such election, and in case this act shall not take effect on or previously to that day, or in case the said first election shall not be held on the said third Monday in February, 1873, then the same may be ordered and appointed by any ten freeholders as provided in section seven of this act.

How officers qualify.

SECTION 39. At the first election of officers under this act, all elected officers of this city shall qualify before any justice of the peace of the county.

ANNUAL MEETING OF SCHOOL DISTRICT.

Annual meeting of school district.

SECTION 40. The annual meeting of the school district in the said city of Boscobel shall be held on the last Monday in August in each year, and the town of Boscobel not included within the limits of said city shall be attached to the city school district for school purposes, and be subject to like school taxes and be subject to the laws of joint school districts.

LEVY AND ASSESSMENT OF HIGHWAY TAXES.

Levy and assessment of highway taxes.

SECTION 41. The common council shall have power to levy a highway tax or tax for streets and bridges of not exceeding seven mills on the dollar in each and

every year, which with other taxes shall be extended upon the assessment roll by the clerk of said city, as hereinafter provided. And the assessor shall, at the time of assessing the property of said city, make out a complete list of all persons who are by the general laws of the state required to pay a poll tax; which poll tax shall be extended on the assessment roll against such person so liable to pay the same, and collected in the same manner as other taxes: *provided, however*, that the highway tax and poll tax to be collected within the present limits of the village of Boscobel for the year 1873, shall be collected in the same manner as the said tax is collected under the charter of the village of Boscobel, and existing laws, and shall, for that year, be expended in the manner provided by said village charter and existing laws.

CHAPTER 2.

EXCLUSIVE CONTROL OF FUNDS.

SECTION 1. All funds in the city treasury, exclusively belonging to the city, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city, except as hereinafter provided; and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority of the city, except taxes levied for school purposes. **City funds to be under control of council.**

HOW CITY DEBT TO BE AUTHORIZED.

SECTION 2. No debt shall be contracted against the city, nor order drawn upon the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act. **How city debt to be authorized.**

PENALTIES AND LICENCES TO BE PAID INTO THE CITY TREASURY.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, **License money to be paid into general fund.**

and all moneys received for licences, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a vote of two-thirds of all the aldermen elect.

SUBJECT TO ANNUAL TAXATION.

Annual taxation, and power of the assessors

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elect under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of the assessor, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may, from time to time, deem advisable.

OBJECTION TO ASSESSMENT.

Objection to assessment.

SECTION 5. On the first and second Mondays of July, and at such time and times as he may appoint, the assessor shall meet at the common council chamber for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alteration or revision as justice or equity may require.

RETURN AND EQUALIZATION OF ASSESSMENT ROLL.

Return and equalization of assessment.

SECTION 6. On or before the last day in July in each year, the assessor shall return his assessment roll to the common council, by depositing the same with the clerk; the common council may supply omissions in said roll, and for the purpose of equalizing the same may alter, add to, take from and otherwise correct the same, but shall not have power to increase the amount of said assessment, except by the value of such real property as may have been omitted by the assessor.

Filing and approval of assessment roll, and determination of amounts.

SECTION 7. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council on the first Monday in August in each year, or within ten

days thereafter; the common council shall determine the amount of taxes to be levied for general city purposes, and also the amount of tax necessary to be levied for school purposes, streets and bridges, and shall by resolution levy the same, but no such resolution shall be adopted, except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

ASSESSMENTS TO BE A LIEN ON PROPRETY.

SECTION 8. All assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the date of the warrant for the collection thereof, until such taxes shall be paid; and no sale or transfer of such real property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property. Assessment to be a lien upon property.

COPY OF ASSESSMENT ROLL TO BE SENT TO COUNTY CLERK.

SECTION 9. Before the annual meeting of the board of supervisors of Grant county, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the clerk of the board of supervisors of said county, who shall lay the same before the said board as required by law. Copy of roll to be filed with county clerk.

CITY TO BE REGARDED AS A TOWN.

SECTION 10. The board of supervisors shall have the right to regard the city of Boscobel as a town, in equalizing the assessment rolls of the several towns of said county, as provided by law. City regarded as town.

LEVY OF COUNTY AND STATE TAX.

SECTION 11. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided. Not to regard ward divisions, in levy of taxes.

CITY CLERK TO MAKE OUT ASSESSMENT ROLL.

City clerk to make out assessment roll.

SECTION 12. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for the state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein; which statement shall be called the tax list of the city of Boscobel, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

TAX LIST PRIMA FACIE EVIDENCE.

Tax list to be *prima facie* evidence.

SECTION 13. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record of this state, that any act or thing required by law to be done, relating to assessors or levying taxes, from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly, and as required by law.

CLERK TO MAKE DUPLICATE COPY OF TAX LIST.

Shall make out duplicate copy of list.

SECTION 14. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the twenty-fifth day of December of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery of the tax list preserved in his office.

TREASURER TO COLLECT TAX.

City treasurer to collect tax.

SECTION 15. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive

one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

CITY TREASURER TO MAKE RETURNS TO COUNTY TREASURER.

SECTION 16. At the time provided by law for town treasurers to make their returns to county treasurers in each year, the said treasurer shall make out and return to the treasurer of Grant county, a list of all lands and lots upon which the taxes have not been paid, and shall also settle and pay over all moneys properly payable to said county treasurer in like manner as now is or hereafter may be required of town treasurers. The said treasurer shall also by the same time, make out and deliver to the city clerk a list of all delinquent personal property taxes and poll taxes for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as allowed or required by law upon delinquent returns from the several towns. Shall make return to county treasurer.

SALE OF DELINQUENT LANDS.

SECTION 17. The county treasurer shall sell all delinquent lands and lots returned from the city of Boscobel, at the same time and in the same manner as other delinquent lands are sold in said county. Sale of delinquent lands.

ALL PROPERTY LIABLE TO SPECIAL TAXATION.

SECTION 18. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of the streets in front of the same. Liable to special taxation

PROVISIONS TO BE REGARDED AS ONLY DIRECTORY.

SECTION 19. All the directions hereby given, except in section nine of this chapter, for the assessing of lands and the levying, collection and return of taxes and assessments, shall be deemed only directory; and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment. Provisions to be regarded as directory.

CHAPTER 3.

Application of poor-laws.

SECTION 1. The laws of the state for the relief and support of the poor in towns, shall apply to said city, and the common council shall make such rules, regulations, ordinances, and provisions in relation to the same as they shall deem proper.

This act not to affect previous contracts.

SECTION 2. This act shall not in any manner affect, injure or invalidate any contract, acts, suits, claims or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue of, or in pursuance of the acts hereby repealed, or any of them, but the same shall exist and be enforced and carried out as fully and effectually and to all intents and purposes as if this act had not been passed.

Mayor to be ex officio supervisor.

SECTION 3. The mayor of the city shall be ex officio a supervisor to represent said city in the board of supervisors of Grant county, which shall constitute the only representation of said city upon the said board of supervisors of Grant county, any law to the contrary, notwithstanding.

When first election to be held.

SECTION 4. The first election under this act of said city shall be held in the city hall of said city, and thereafter there shall be but one election poll in said city, which shall be at such place as the common council may, by resolution, establish.

Existing ordinances to remain in force.

SECTION 5. All ordinances of the village of Boscobel may be adopted by the common council, and when so adopted shall be and remain in full force as ordinances of the city without further publication, and wherever in such ordinances the words, "president and trustees of the village of Boscobel" occur, they shall be taken to mean the "mayor and common council of the city of Boscobel."

First inspectors of election.

SECTION 6. The inspectors of election of the village of Boscobel shall constitute the inspectors of the first election under this act, and the clerk of the village of Boscobel shall act as clerk of such election, and in case of a vacancy, it shall be supplied as provided for by the village charter.

SECTION 7. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved March 12, 1873.

CHAPTER 149.

[*Published March* 25, 1873.]

AN ACT to amend sections thirty-eight and forty-eight of chapter twenty-two of the general laws of 1859, entitled "an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirty-eight of chapter twenty-two of the general laws of 1859 is hereby amended by inserting between the fourteenth and fifteenth lines of said section, as published, the following provision, to wit: "or that the lots or lands described in plaintiff's complaint, or some part thereof were in the actual occupancy or possession of the defendant, his agent or tenant, or of some other person through whom the defendant claims title, for the period of thirty days or more, at any time within six months immediately preceding the expiration of the time of redemption, or the six months immediately preceding the time when the deed or deeds mentioned in plaintiff's complaint were taken, and that no written notice was served on the defendant, or owner or occupant of said lots or lands, by the holder of the tax certificate or certificates on which the tax deed was issued, three months prior to the issuing of said deed, as required by the provisions of chapter one hundred and thirteen of the general laws of 1867, and the amendments thereto.

Amended—lands to be in actual occupancy of defendant.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1873.

CHAPTER 150.

[*Published March 25, 1873.*]

AN ACT to facilitate the collection of debts against certain contractors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sub-contractor may maintain action against principal.

SECTION 1. Any sub-contractor who shall have done work or furnished material at the request of, or upon contract with a principal contractor, for the construction, repair or removal of any building or machinery for this state, or for any county, town, city or village or school district therein, may maintain an action against such principal contractor and such state, county, town, city, village or school district, in the circuit or county court of the county where such work was done or such material delivered, by service of a summons and sworn complaint, in the manner provided by law for the service of summons and complaint in civil actions, stating the facts; and from the time of such service, such state, county, town, city, village or school district, as the case may be, shall be liable to such sub-contractor for the amount that may be found due or owing by such principal contractor to such sub-contractor, with all costs of such action, not exceeding the sum which it may owe to such principal contractor. If such state, county, town, city, village or school district shall give notice to such principal contractor of the commencement of such action, it need not make defense in such action after the date of such notice. Judgment shall be rendered in such action against such principal contractor for the amount found due to such sub-contractor, with costs of such action, also against such state, county, town, city, village or school district, as the case may be, for the amount for which it shall be liable as aforesaid, and payment of the amount of any such judgment by such state, county, town, city, village or school district shall relieve it from that amount of its indebtedness to such principal contractor. The principal contractor may at any time discharge such state, county, town, city, village or school district from such liability, by giving to the plaintiff in such action, and filing with the clerk of such court a bond, in such sum and with such sureties as the judge of such court shall approve, conditioned for the prompt payment of such

Judgment for damages and costs may be entered.

judgment as shall be rendered in such action against such principal contractor, with all costs attending the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1873.

CHAPTER 151.

[*Published March* 14, 1873.]

AN ACT to incorporate the city of Neenah.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. From and after the last Monday of March, 1873, the district of country in the county of Winnebago, contained within the limits and boundaries hereinafter described, shall be a city by the name of Neenah, and the people now inhabiting and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation by the name of the city of Neenah, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein especially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

Shall be a municipal corporation.

Name and powers.

SECTION 2. The territory lying in the county of Winnebago and being all of the south half of sections twenty-three and twenty-two, all of the southeast quarter, and the east half of the southwest quarter of section twenty-one, all of sections twenty-six and twenty-seven, all of the east half and the east half of the northwest quarter and the east half of the southwest quarter of section twenty-eight, all in towuship twenty, range seventeen east, shall comprise the territory and limits of the city of Neenah.

City limits.

Division into wards.

SECTION 3. The city shall be divided into three wards, as follows: The first ward shall be all that portion of said city lying east of the center line of Cedar street and La Grange avenue, and south of the center line of Fox river; the second ward shall be all that portion of said city lying west of the center line of Cedar street and La Grange avenue, and south of the center line of Fox river; the third ward shall be all that portion of said city lying north of the center line of Fox river, and east of Little Lake Butte Des Morts.

Corporate authority.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

CHAPTER II.

ELECTIONS.

City officers.

SECTION 1. The municipal government of the city shall consist of a common council, composed of the mayor and two aldermen from each word. The other officers shall consist of city clerk, city treasurer, city attorney, city surveyor, chief of police, street commissioner, one assessor for each ward, and one police justice for the city at large, who shall be ineligible to hold any other office, one justice of the peace for each ward, one chief engineer of the fire department, and such other officers and agents as may be provided for by this act, and such as the common council may from time to time appoint. The elective officers of said city shall be a mayor, treasurer, two aldermen from each ward, police justice for the city at large, one justice of the peace for each ward, and one assessor from each ward. All other officers necessary for the proper management of the affairs of said city shall, unless herein otherwise provided, be appointed by the mayor, by and with the consent of the common council.

Elective officers.

Term of office.

All elective officers except mayor, treasurer and assessors, shall, unless otherwise provided, hold their respective offices two years, and until their successors are elected and qualified. The mayor, treasurer and assessors shall hold their respective offices for one year, and until their successors are elected and qualified: *provided*, that at the first charter election in said city,

there shall be elected one alderman from each ward for one year, and one alderman from each ward for two years, one of whom shall be designated supervisor, and shall represent his ward on the county board of supervisors; *and provided further*, that the aldermen, justices of the peace and assessors shall be residents and qualified voters in and be elected by their respective wards, and the mayor, clerk, treasurer and police justice shall be residents and qualified voters in said city.

When election to be held, and how conducted.

SECTION 2. The qualified voters of the city of Neenah shall hold an election on the first Tuesday of April in each year after the first, for the election of city and ward officers. Said election shall be held in the several wards for the officers herein designated, and shall be presided over by the aldermen and justice of the peace in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls shall elect *viva voce*, a sufficient number of inspectors to make three with the alderman or aldermen, or said justice present, who shall be sworn in accordance with the laws of this state. Such inspectors shall appoint two clerks of the election, who, before entering upon the discharge of their duties as such clerks, shall also be severally sworn in accordance with the laws of this state, and such inspectors shall see the names of the voters registered and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election, shall direct and return one of the said returns to the city clerk of the city of Neenah, the other to the county clerk for the county of Winnebago. The mayor of the city and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after such election, meet at the common council chamber, and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five o'clock in the afternoon. Said elections shall be conducted in accordance with this act, and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state.

Inspectors.

Clerks.

Board of canvassers.

When polls open.

How vacancies filled.

SECTION 3. In the event of a vacancy in the office of mayor, police justice or alderman by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof; any vacancy in other offices shall be filled by the common council; the person appointed or elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

How election determined.

SECTION 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections by the council shall be *viva voce*. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as they may direct.

Who are qualified electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall reside in the ward where they offer their vote, ten days next preceding such election, shall be deemed qualified electors of said city and ward.

Challenge of votes.

SECTION 6. If either of the inspectors of election or aldermen shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or alderman, before receiving any such vote, shall require the voter offering his vote to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year next preceding this election, and that you have resided in the city of Neenah and within this ward ten days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which

Form of oath.

Punishment for perjury.

For illegal voting

he resides, or shall vote more than once at any election, he shall be deemed guilty or a misdemeanor, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and shall swear in their vote; and if any inspector or alderman shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to prosecution, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such prosecutions shall be tried in the circuit court for the county of Winnebago.

Shall keep list of challenged voters; penalty for malfeasance of inspectors.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen and justice of the peace of each ward as inspectors, as provided by this act, and returns thereof shall be made in the same time, manner and form as of general or annual elections.

Special elections.

SECTION 8. There shall be elected annually (after the first election), on the first Tuesday in April, one alderman in each ward who shall hold his office for two years.

Annual elections of aldermen.

SECTION 9. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify, on or before the second Tuesday of April next, after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

When office deemed vacant, and how vacancy filled.

SECTION 10. The term of every officer elected under this law shall, after the first election, commence on the second Tuesday of April of the year for which he was elected, and shall, unless hereafter or heretofore otherwise provided, continue for one year, and until his successor is elected and qualified. And each of said officers shall have such powers, and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city not inconsistent

Term of office.

Powers and duties of officers.

with this act, or which may not be incompatible with the nature of their respective offices.

When new election may be held.

SECTION 11. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given, and said election shall be conducted in all respects, so far as practicable, in the same manner as annual elections are herein provided for.

Meeting of board of trustees to fix place of election and appoint inspectors.

SECTION 12. The president and board of trustees of the village of Neenah or a majority of them, at a meeting which shall be held by them on the fifteenth day of March, A. D. 1873, shall appoint a place in each ward for holding the first election of officers in said city, and shall appoint three inspectors and one clerk of election in each ward, and give notice of such election, stating the places where the same shall be held, and the names of the persons so appointed, at least four days previous to such election by publishing in a newspaper printed within the limits of said city; such inspectors shall, at such first election, have the powers and duties conferred by this chapter on the aldermen and justices of the peace of each ward, acting as inspectors of election; said election shall be held at the same time of day, and conducted in the same manner as the annual elections provided for in this act, so far as practicable, and when the first election under this act shall be closed, the number of votes for each candidate or person voted for shall be counted and ascertained by said inspectors, who shall make return thereof, stating the number of votes for each person, for each and every office, and shall deliver or cause to be delivered, such returns to the county clerk of Winnebago county, within two days after such election; within five days after such election, the board of canvassers of said county shall meet and canvass the said returns, and determine who shall have been properly elected officers of said city and ward, and shall cause such determination to be published in a newspaper printed in said city limits, and shall notify each of the officers of his election to his respective office, and the persons so elected shall hold their respective offices until the first Tuesday in April, A. D. 1874, and until their successors are elected and qualified.

Day of election.

SECTION 13. The first election of officers under the provisions of this act shall be held on the last Monday of March, A. D. 1873.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, chief of police, street superintendent, police justice and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Neenah a bond, in such sum and with such security and such conditions as the common council may direct, and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Shall take oath of office.

Shall execute bond.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall also appoint a chief of police and such further number of policemen as the common council at any regular meeting may authorize, which appointments shall be approved by the common council before they shall enter upon the duties of their office, and the compensation of the chief of police shall not exceed two dollars per day, to be determined by the common council; and the said policemen for the respective wards shall receive the fees allowed by law to constables for the same services, and in addition, may be paid such compensation for extra services ordered by the mayor or common council, not exceeding one dollar per day, as the common council may determine. The mayor may also appoint as many special or temporary police on election days, or other public or unusual occasions, as he may think proper, but no such special or temporary police shall be paid any compensation for his services out of the city treasury, unless otherwise ordered by a vote of three-fourths of all the members of the common council. The common council may, by ordinance, prescribe the powers and duties of the police and other peace officers. The mayor shall communicate in writing to the common council, once a year, such information as he may deem

Duties of the mayor.

Appointment of policemen.

Special police.

Annual message.

necessary, and at all times, give such information as the common council may require.

President of the council—his election and duties.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause, to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer who, for the time being, shall discharge the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign, and communicated such refusal to the council.

Duties of the city clerk.

SECTION 4. The common council shall elect a city clerk. He shall keep the corporate seal and all the papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office and transcripts from the records certified by him under the corporate seal, shall be evidence in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriations and orders drawn on the city treasurer, in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all the tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem.* The city clerk shall have power and authority to administer oaths and affirmations, and take acknowledgements of deeds and other instruments.

Duties of the treasurer.

SECTION 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as

often as required, and annually at least ten day before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk.

Duties of the city attorney.

SECTION 6. The city attorney shall conduct all law business of said city, and the departments thereof and all other business in which the city shall be interested; when so ordered by the common council, he shall furnish written opinions upon subjects submitted to him by the mayor or council, or any department of the corporation. It shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments in writing as may be ordered by the common council, and to perform such other duties as may be prescribed by the ordinances of the city, or by any resolution of the common council.

Powers and duties of the chief of police.

SECTION 7. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collection of fines and license moneys. He shall possess the powers of a constable at common law, or by the laws of the state, and receive like fees, but shall not receive any fees for serving any process, making any arrest or performing and [any] duties from the city of Neenah, except his per diem hereinbefore provided for, nor shall he go beyond the city limits to make arrests or to serve any process, unless the cause for making such arrest or for issuing such process arose within the city; the said policemen of each ward shall be under the control and direction of the mayor and chief of police, and shall have all the powers, and shall perform all the duties of a constable under the laws of the state of Wisconsin.

The council may require other and further duties.

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties; and to fix the compensation of all officers elected or appointed by them, such compensation to be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Shall designate official newspaper.

SECTION 9. The common council shall, at their first meeting, or as soon thereafter as may be, and annually thereafter, designate a newspaper printed and published in the city of Neenah, to publish all ordinances and by-laws, and to do all other printing under

the provisions of this act, but in no case shall the pri paid be greater than the rates prescribed by law f similar printing. And the printer of said newspap shall, either in person or by his foreman, file with t clerk of the city, his or their affidavits of the leng of time said ordinance, by-law or proceeding h been published, and such affidavits shall be *prima fa* evidence of the publication of such notice, ordinan proceeding or by-law.

Shall deliver property, books, etc., to successor in office.

SECTION 10. If any person, having been an offic in said city, shall not, within ten days after notificati and request, deliver to his successor in office all pro erty, moneys, books, papers and effects of every d scription in his possession, belonging to said city pertaining to the office he may have held, he shall fo feit and pay to the use of the city one hundred dolla besides all damages caused by his neglect or refusal so deliver; and such successor may recover the possessi of such books, papers and effects in the manner pr scribed by the laws of this state.

Peace officers—their powers and duties.

SECTION 11. The mayor, sheriff or deputy sheriff Winnebago county, each and every alderman, justi of the peace, policeman and watchman, shall be of cers of the peace, and suppress in a summary mann all rioting and disorderly behavior within the limits the city; and for such purposes may command the a sistance of all bystanders, and if need be, of all citize and military companies. If any person, bystander, mil tary officer or private shall refuse or neglect to aid maintaining the peace when so required, every such pe son shall forfeit and pay a fine of fifty dollars; and case the civil power may be required to suppress riots disorderly behavior, the superior or senior officer pre ent, in the order above mentioned in this section, sha direct the proceedings.

Powers and jurisdiction of the police justice.

SECTION 12. The police justice shall have and po sess all the authority, powers and rights of a justice the peace in civil proceedings, and shall have sole an exclusive jurisdiction to hear all complaints and co duct all examinations and trials in criminal cas within the city; and shall have exclusive jurisdi tion in all cases to which the city shall be a party, an shall have the same power and authority in cases o contempt as a court of record: *provided*, that nothin herein contained shall be deemed to divest the judge of the circuit or county courts of their authority a conservators of the public peace, nor to affect in an manner the powers or jurisdiction of the circuit o county courts of Winnebago county. The police ju

tice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and no other; but the city shall not be liable to said police justice for his said fees, except such as shall accrue on prosecutions for the violation of the charter or ordinances of the city, wherein the costs are not and cannot be collected of the offender. In case of the absence, sickness or other inability of the police justice, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of police justice; and it shall thereupon be the duty of the mayor to inform the chief of police of such substitution, and make a report thereof to the common council, and they may confirm or set aside such appointment, and the justice so appointed shall, for the time being, possess all the authority, powers and rights of the police justice. Appeals and writs of *certiorari* may be taken from the police justice in the same manner as from justices of the peace.

His compensation.

His substitute.

SECTION 13. The police justice shall quarterly report to the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time account for and pay over to the treasurer the amount of all penalties and fines collected which may by law accrue to the city. The city shall not be liable for or pay any cost for violations of any law of this state, and such justice shall pay to the county treasurer all fines collected for offenses against the laws of this state, in the same manner that justices of the peace are required by law to do.

Shall make quarterly report, and pay over all fines.

SECTION 14. On the third Tuesday of April in each year, or within ten days thereafter, the common council may elect one superintendent of streets, and a city surveyor, each one of which shall hold his office until the next third Tuesday in April, and the common council shall have power to fill, from time to time, vacancies that may exist in said offices.

Election of street superintendent.

SECTION 15. The assessors shall assess all the taxable property of their said districts as required by law, and each shall complete and return the assessment roll to the common council on or before the first Monday in July in each year. During the last week of the month of June in each year, the assessors shall attend at the common council chamber for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessments, and shall make such

Duties of assessors.

alterations and amendments thereto as justice and equity may require. The assessors shall receive for their services such compensation as the common council may determine, not exceeding the sum of three dollars each per day for time actually and necessarily spent in the discharge of their duties as assessors. The assessors, together with the mayor, or in his absence or disability, the president, city clerk and city treasurer, shall constitute a city board of equalizers, and they shall meet at the office of the city clerk of said city on or before the third Monday of July in each year, and proceed to equalize the said several assessments in the same manner in all respects as town boards of equalizers are now authorized by law to do.

Their compensation.

Board of equalization.

Duties of street superintendent.

SECTION 16. The superintendent of streets shall perform the duties, and, under the restrictions and for the compensation prescribed in section seven of chapter six of this act, and such other duties as may be required of him by this act and the ordinances of the common council of said city, not inconsistent with this act.

City surveyor.

SECTION 17. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fee and compensation for any service performed by him. All surveys, profiles, plans and estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same together with all books and papers appertaining to said office shall be delivered over by the surveyor at the expiration of his term of office to his successor or to the common council.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL DUTIES AND POWERS.

The common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Neenah, do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish by fine and imprisonment, by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct, and by a vote of two thirds of its members, may expel any member for cause. Their regular meetings.

SECTION 3. The common council shall have the control and management of the finances, and of all property of the city; and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, they are not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions, or by-laws, Specific powers of the council.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bagatelle tables, pigeon-hole tables, bowling saloons, etc., and to provide for the abatement and removal of nuisances, under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state, and that no license shall be granted for a less time than one year from the date of filing the application for such license in the office of the city clerk; and in case the person so applying for a license shall have a former license within To license shows and the sale of liquors.

the year next preceding such application, then such license shall be granted for the term of one year from the date of the expiration of such former license.

Restrain gaming.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

Prevent riots.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Suppress nauseous places.

4th. To compel the owner or occupant of any grocery, tannery, stable, barn, privy, sewer, cellar, tallow-chandler's shop, soap factory, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Locate markets, etc.

5th. To direct the location and management of slaughter-houses and markets, and to prevent the erection, use or occupation of the same, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible materials.

Provide for repair of streets, etc.

6th. To provide for the making, grading, improving and repairing of the streets of the city of Neenah, and to make such other necessary public improvements as shall be deemed necessary and proper, and for the general benefit, health and welfare of the inhabitants thereof, and to provide for the making, constructing and repairing of gutters and sidewalks in said city, and to prevent the encumbering of the streets, sidewalks, lanes, highways and alleys with carriages, sleighs, boxes, lumber, firewood or other materials or substances whatsoever.

Prevent horse-racing.

7th. To prevent horse-racing, immoderate riding or driving in the streets or on the bridges within said city, and to regulate the places of bathing and swimming in the waters within said city limits.

Restrain dogs.

8th. To restrain the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances of said city.

Horses, cattle, etc.

9th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

10th. To prevent persons from burying, depositing, or having within said city, or placing in the waters within or adjacent to said city, any putrid carcass, or other unwholesome or nauseous substances, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, hides or skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons. Prevent deposit of putrid carcasses.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants of the city, to regulate and to license hacks, cabs, drays, carts and the charges of hackmen, draymen, cartmen and cabmen in the city, and to erect lamps and to provide for lighting the streets, public grounds and public highways, with gas or otherwise. Establish pounds, etc., and license draymen.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds, set apart for the public use, from taxation. Boards of health.

13th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Weight of bread

14th. To prevent all persons riding or driving any horse, mule, cattle or other animals on the sidewalks in said city, or in any way doing any damage to said sidewalks. Prevent driving on sidewalks.

15th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof. Shooting of firearms.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkards.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments. Runners.

18th. To make rules and ordinances for the government and regulation of the police of the city. Make rules, etc.

19th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of Establish markets.

such rules and regulations; to license and regulate butcher stalls, shops and stands for the sale of game, poultry, meats, fish and other articles.

Regulate hay market, etc.

20th. To regulate the place or places and manner of weighing and selling hay and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Removal of obstructions from sidewalks.

21st. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from such lot owned or occupied by him, all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant.

Prevent contagious diseases.

22d. To regulate, prevent and control the landing of persons from boats, cars and stages, or other conveyances, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

Regulate auctions.

23d. To regulate the time and manner of [holding] public auctions and vendues

Appoint watchmen.

24th. To appoint watchmen and prescribe their duties.

Regulate weights and measures.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of any person using or keeping for use any false weights or measures.

Control of waters.

26th. The common council shall have jurisdiction over the entire waters within the city, so as to prevent any deterioration of the waters, or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired, or for any other purpose authorized in this act.

Set out ornamental shade trees.

27th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same.

Control public parks.

28th. The common council shall have authority to purchase, hold, improve and otherwise control the use and management of public parks for the use and benefit of the city, and shall make such needful regulations for the care and protection of all property of the city as shall be necessary.

29th. No appropriation shall be made, nor shall any debt be created, or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriation of money, whereby a debt shall be created against or a liability incurred by the city, shall be approved by the mayor before the same be in force: *provided*, that in case the mayor shall refuse to sign any ordinance or any certificate of the appropriation of money, or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city, eight aldermen voting in the affirmative shall have power to repass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor; and all ordinances shall be published in a public newspaper printed in the city of Neenah, to be selected by the common council, before the same shall be in force; and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper, the city clerk shall record such ordinance and affidavit in a book provided for that purpose, and such affidavit shall be *prima facie* evidence of such publication.

All appropriations, ordinances etc., to be passed by an affirmative vote and to be approved by mayor.

30th. The power conferred upon the said common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law; gambling houses, houses of ill fame, disorderly taverns or houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, except as permitted by license, are hereby declared and shall be deemed public or common nuisances.

Abatement of nuisances at common law not barred by this act.

31st. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street superintendent, and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer or agent to exhibit his books, accounts and vouch-

Examination, adjustment and allowance of accounts.

ers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two-thirds of its number, upon reasonable notice, for cause, to remove from office any officer of the city elected by the common council, or whose appointment shall have been confirmed by it.

CHAPTER V.

OPENING OF STREETS, ALLEYS, ETC.

Laying out of streets, public squares, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, and to make all necessary and proper improvements within the limits of said city, as follows: Whenever ten or more freeholders, residing in any one ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, or for other public improvements, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residence of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants, owner or owners of such lands, or if a portion of such lands shall not be in actual occupation of any person, and the owner or owners are non-residents of the said city, then the common council shall cause such notice, describing, as near as may be, the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week.

Notice of application to take land.

SECTION 2. Such notice shall state that on a certain day, therein to be named, not less than ten days from the service of such notice, or the expiration of such

publication, as the case may be, application will be made to the judge of the circuit or county court of Winnebago county for the appointment of six jurors to view said premises, and to determine whether it will be necessary or expedient to take the same for the purposes specified in such petition.

Appointment of jurors to view premises.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice herein required, the said judge shall thereupon appoint twelve respectable freeholders, residents of the city, but not residents of the ward in which such premises may lie, nor interested in such application. The said judge shall thereupon issue his precept, directed to said jurors, requiring them within thirty days to view said premises, to be specified in said precept, and to make return, under their hands, to the common council whether, in their judgment, it is necessary to take said premises for the purpose specified in such application.

How vacancies filled.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed upon the precept.

Shall view premises in a body.

SECTION 5. The said jurors, at such times as they may agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Shall make report as to necessity of taking premises.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

If necessary, then council shall enter order confirming report.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be deemed proper, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands and premises will be benefited by such taking, and to assess and

return within the time limited such damages and benefits to the common council.

Value of buildings to be estimated.

SECTION 8. If there should be any building standing, in whole or in part, upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and, secondly, the value of such building to remove.

Personal notice to be given.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks; such notice shall specify the building and award of the jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove said building at the rate set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council shall allow.

Buildings may be sold, on notice.

SECTION 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited for him in the city treasury.

Determination and appraisal of damages.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their good judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owner or owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or

Shall include value of buildings.

buildings (if the property of the owners of such lands), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case, they shall only include the difference between such value and the whole estimated value of such building or buildings.

SECTION 12. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damages, in either case the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall be in any case collected of them or payable to them.

Shall strike balance between damages and benefits.

SECTION 13. If the land or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively, may be awarded to them by the jurors, less the benefits resulting to them respectively from the proposed improvement.

In case premises are owned by different persons.

SECTION 14. Having ascertained the damages and expenses of the proposed improvement, as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the proposed improvement as nearly as may be, and shall describe the real estate upon which the assessment may be made. The award of the said jurors shall be signed by them, and returned, together with the testimony taken, to the common council, within the time limited in the order of their appointment, and thereupon, if the common council shall deem it expedient, they may, by ordinance, order such street to be opened or widened, or such improvements to be made, and an assessment made in pursuance of such award; and if the common council shall not deem it expedient to open or widen such street, or to make such improvements, they shall, by resolution, order all further proceedings upon such petition to be discontinued.

Shall assess damages and costs of proceedings.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unkown, deposited to his or their credit in some safe place of deposit, under the direction of the judge of the circuit court of Winnebago county, and then and not

Land not to be used till damages are paid.

be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of said city.

Right to establish and re-establish grade.

SECTION 2. The common council of the city Neenah shall have power to establish the grade of the streets of said city, and to change and re-establish such grade, as they shall deem expedient: *provided*, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said common council shall have refused or neglected for three months to pay or settle the same.

Street superintendent to enforce ordinances.

SECTION 3. It shall be the duty of the superintendent of streets to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all works let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

Grade, width and construction of sidewalks, to be controlled by council.

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which said sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct said sidewalk as aforesaid, in the manner, of the material, or at the time as so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, for at least three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall

To be let to lowest bidder, after publication of notice.

be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same, at least five days in the official paper of the same.

May order construction by two-thirds vote.

SECTION 5. The common council shall have power, by a vote of two-thirds of all the members of the common council, to order the building, construction, reconstruction or repair of sidewalks in the city of Neenah, in such manner as they may deem proper. The city clerk shall receive all proposals for constructing and repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder: *provided*, such bid is a reasonable one, subject to such provisions, in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks, and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances, until a tax for that purpose shall have been levied by the city or county.

Shall receive proposals.

When superintendent may order repairs, and assess owner therefor.

Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which in the opinion of the superintendent of streets, will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the cost of such repair, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Neenah, for payment; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the

If owner refuse to pay, may levy special tax.

city of Neenah, the said superintendent shall return said account to the common council, with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Payment of poll tax.

SECTION 6. Every male inhabitant of the city of Neenah, over twenty-one years of age, and under fifty, except active members of the fire department, shall pay into the city treasury annually, the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of each of the assessors of the city of Neenah, during the month of May, 1873, to make out duplicate lists of all persons liable to said tax, and said assessor shall, on the first Monday of June, 1873, deliver one of said lists to the city clerk and one to the treasurer of the city of Neenah. The said treasurer shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax, who shall not have paid the same after demand, either presonal or by written notice left at their usual place of abode, on or before the first day of July, 1873, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Neenah. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The assessors shall also, at the time of assessing the annual taxes in each year after the year 1873, make out such duplicate lists of persons liable to pay such tax as aforesaid, and deliver one of the said lists to the city clerk and one to the city treasurer at the time he returns to the city clerk his assessment roll of real and personal property of the city of Neenah, and the city treasurer shall collect the same in the same manner as hereinbefore in this section provided, and in case said taxes are not paid to said treasurer, he shall prosecute for them in the manner hereinbefore provided. The said assessor, in making such list, shall designate the ward in which such person on said list resides, and the treasurer shall credit each ward of the city with the amount thus collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction and supervision of the superintendent of streets, on the repair and improvement of streets of the respective wards in which said tax is paid, and to be drawn out on itemized accounts of the street com-

Assessors to make out duplicate lists.

Treasurer to collect.

What process shall be.

Shall make out duplicate lists each year.

Shall designate the ward.

To be a distinct fund.

missioner, certified to by the senior alderman of the ward in which said work is done, and audited by the common council. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property: *provided*, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city, in the ward in which he resides, under the direction of the superintendent of streets, and at such time as he shall direct, within the said month of July of each year, and the certificate of the superintendent of streets that such person has performed one full day's labor, shall be received by the city treasurer in full discharge of such tax.

Shall be a board to determine liability.

Treasurer's fees for collecting.

SECTION 7. The superintendent of streets shall, before entering upon the duties of his office, execute to the city a bond in the penal sum of two thousand dollars, with two sufficient sureties, to be approved by the council, conditioned for the faithful performance of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of his office. He shall have a general supervision of all streets; he shall expend the money realized from the poll tax in each ward, at such places in each ward as he shall see fit; he shall, on or before the first day of September in each year, report to the council in writing, under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how, where and when expended, and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act so far as the same relates to streets, according to the terms thereof, and the council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than three dollars for each day actually and necessarily occupied by him in the discharge of his duties. The chief of police shall be street superintendent in any year when the common council shall so determine, and shall receive for his

Superintendent shall execute bond.

His duties.

His fees.

Chief of police may serve.

services as such superintendent, such sum per day as the council shall determine, not exceeding more than one dollar per day.

May advertise for bids.

SECTION 8. The common council of said city shall have power, and may, in its discretion, by a vote of two-thirds of all the members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the costs of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

May order work done by a two-third's vote.

SECTION 9. The common council of the city of Neenah shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving and repairing and cleansing of streets, and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner hereinafter mentioned, and direct and control the persons employed therein.

What costs to be chargeable to city and what to owners.

SECTION 10. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. The costs and expenses of opening, grading, graveling, planking, paving or repairing of streets and alleys shall be chargeable to and payable wholly or in part by the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land, and the center of such street or alley, or such portion thereof as the common council shall determine. Sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewers or gutters shall be constructed: *provided, however*, that when sewers and gutters are constructed through alleys, no lots shall be assessed therefor except those situated in the block through which such sewer or gutter may be constructed; *and provided further*, that in all cases when improvements or work of any kind are chargeable by virtue of this section, upon lots benefited, all such improvements across streets, alleys

How sewers and gutters to be constructed.

and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public grounds.

SECTION 11. Whenever the common council shall determine to make any public improvement, as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground as aforesaid; and such estimate shall be filed in the office of the city clerk, for the inspection of parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part, as aforesaid, all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk, notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street, or the making of any public improvements to be done directly by and under the supervision of the street superintendent at the uniform expense, in whole or in part, of the lots or parcels of land abutting or fronting on such street or public improvement.

Shall cause estimate to be made and filed.

May authorize letting to lowest bidder.

May order work under their own supervision.

SECTION 12. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall present to the council in writing that the expense of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the chief of police to summon five freeholders, not residents of the ward, nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in

How expenses of deep cutting and filling to be borne.

them, shall examine the premises within five days therefrom, and if, in their opinion, the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parcels of land on the street so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof in writing, as soon as practicable, but within ten days after such examination, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same in the same manner as herein provided; in case such owners shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvements in proportion to their respective benefit as determined by said jury, the sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected: *provided*, that should said jury find that said petitioners were not entitled to any division of the expenses so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition: *provided, also*, that the petition of no owner feeling himself aggrieved shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; *and provided further*, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal disability, who, not being represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of the said council to cause to be summoned a jury as herein provided.

May require bond of petitioners.

How infants and non-residents notified.

Who to supervise work.

SECTION 13. All work provided for in this chapter shall be done under the supervision of the mayor, superintendent of the streets and city surveyor, and shall be approved by them before it shall be accepted by the council.

Shall be entitled to certificate for work done.

SECTION 14. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the mayor, street super-

intendent and city surveyor, or such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor, and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment: *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for or on account thereof, or for any proceedings for the collection of the pay therefor.

Amount of certificate may be assessed on lots.

SECTION 15. The common council of the city of Neenah shall, on or before the first Monday in May in each year, determine and levy the amount of highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets, highways and bridges in said city, which amount shall not be less than two nor more than five mills on the dollar upon all taxable property of said city, as the same shall appear by the last assessment roll of said property.

Shall determine and levy amount of highway tax.

SECTION 16. The city clerk shall, within fifteen days after said highway tax shall be so levied, make out, and deliver to the city treasurer a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll of the previous year; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of such person or persons, corporation or corporations, to whom each item of taxable property upon said list is so assessed.

City clerk to make out list.

Shall make duplicate list.

SECTION 17. The city clerk shall make a duplicate of such list, both of which shall be signed by the mayor and countersigned by the city clerk, one of which lists shall be filed in the office of the city clerk, and the other shall be delivered to the city treasurer.

Shall annex warrant.

SECTION 18. The city clerk shall annex to each such tax list, a warrant, signed by the mayor and city clerk, which shall be [in] substance in the following form:

Form of warrant.

To A. B., Treasurer of the City of Neenah:

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of real estate described therein, the taxes set opposite to the names of such persons, corporations and property, within the time limited by law, and to apply the taxes by you so collected, and make due returns thereof as required by law.

Dated —— day of ——, 18—.

—— ——, Mayor.
—— ——, City Clerk.

Powers of the treasurer to collect.

SECTION 19. The city treasurer shall have the same powers and proceed to collect said taxes, in the same manner as in the collection of general taxes, and in case the said treasurer shall be unable to collect any portion of said tax, he shall, on or before the third Monday in November in each year, make out and deliver to the city clerk of said city, a list of all such unpaid taxes; which list shall contain the name of all persons, corporation or corporations, and the description of all real estate and personal property included in said tax roll, and the amount of such tax against each of such descriptions or items so uncollected; which said list shall be sworn to by said city treasurer, before some officer authorized to administer oaths.

Shall place delinquent tax in separate column.

SECTION 20. Upon the receipt of such list, the city clerk shall, at the time of making out the general annual tax roll of said city for that year, place in a separate column on said roll, the amount of such delinquent tax against the proper description of real estate and personal property, which shall be collected or returned in the same manner as general taxes are collected or returned by law.

Shall credit wards with amounts collected.

SECTION 21. The city treasurer shall credit each ward in said city with the amount of such highway tax collected by him therein, and all the moneys so collected shall be expended on the streets, highways and bridges in the wards where collected, in the manner in this act provided.

CHAPTER VII.

FINANCES AND TAXATION.

SECTION 1. All the funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

City funds to be under control of council.

SECTION 2. No debt shall be contracted against the city, or certificates of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

How city debt to be authorized.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act.

Fines, etc., to be paid into general fund.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may from time to time deem advisable.

All property to be taxable.

Powers of the assessors.

SECTION 5. The fiscal year of the city of Neenah shall commence on the first day of September, on which day, or within twenty days thereafter, the common council shall, by resolution, determine what amount of money, including the estimated resources of the city not derived from direct taxation for the year

Fiscal year—council to determine amount of tax.

then next ensuing, will be required for general city purposes during that year; and the council shall thereupon be empowered to levy, and shall, by resolution, levy a tax for general city purposes, not exceeding in amount one per centum of the assessed value of real and personal property of the city for that year. The common council shall have power to levy a tax upon the assessment roll, equal in amount to the interest for one year, not otherwise provided for, upon all bonds lawfully issued by the city of Neenah; and no such special tax shall be used or applied for any other purpose whatever. No city order of any kind shall be received in payment of school or school-house tax, but the same shall be paid in money and shall be paid over by the city treasurer to the treasurer of the several school boards, upon the order of the director and clerk thereof. All resolutions for the purpose of levying a tax shall require for their passage an affirmative vote of two-thirds of all the members of the common council.

May provide for interest on bonds.

City orders not receivable for school tax.

SECTION 6. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal property shall affect such lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Shall be a lien upon property.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Winnebago, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the county clerk of said county, who shall lay the same before said board at their annual meeting.

Shall send copy of assessment roll to county clerk.

SECTION 8. The board of supervisors shall have the right to regard the city of Neenah as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law, but in such equalization, shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

May regard city as a town.

SECTION 9. The board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be cer-

Supervisors may levy tax regardless of ward boundaries.

tified to the city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions with the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

City clerk to make out assessment roll.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in a column left for that purpose, or upon a copy thereof, a complete statement of the several amounts of the taxes levied for the state, county, city or other purposes, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein; which statement shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. The said city clerk may calculate the state, county and city taxes together, and carry the amount thereof into one column, but in such case, he shall specify the per centum upon one dollar of valuation of state tax, county tax and city tax, separately in his warrant to the treasurer for the collection of such taxes.

May calculate all taxes together.

Tax list to be evidence.

SECTION 11. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record of this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly and as required by law.

Shall make duplicate, and append warrant.

SECTION 12. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the second Monday of December of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery on the tax list preserved in his office.

City treasurer to collect tax.

SECTION 13. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as other-

wise provided in this act. The city treasurer shall receive one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, and two per centum upon all other moneys paid into the treasury, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

When return to be made.

SECTION 14. On or before the fifteenth day of February, of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Winnebago county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers; and all the provisions of sections eighty-one to eighty-seven inclusive of chapter eighteen of revised statutes as modified by acts amendatory thereof, shall extend to, and may be enforced to collect any delinquent personal property tax, of whatever year, now due to said city.

Delinquent lands to be sold.

SECTION 15. The county treasurer shall sell all delinquent lands and lots returned from the city of Neenah, at the same time and in the same manner as other delinquent lands are sold in said county.

Exempt property liable to special tax.

SECTION 16. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and the improvement of the streets in front of the same.

Errors not to invalidate tax.

SECTION 17. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself shall invalidate, or vitiate, or anywise affect the validity of the assessment or tax: *provided*, that this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council in the levying of a tax.

Not to receive certificates for indebtedness.

Limit of city debt.

SECTION 18. The city treasurer shall not receive from the treasurer of the county of Winnebago, tax certificates in payment of any indebtedness which may become due from said county to said city. The city shall contract no debt, and the common council shall make no appropriation during any fiscal year for city purposes, greater than the amount determined upon as provided in the foregoing section five of this chapter for such purpose, together with the amount of money

which may at any time be in the city treasury, derived from other sources than taxation.

May levy tax to pay judgments.

SECTION 19. The common council shall have power, by a two-thirds vote of all the members thereof, to levy a tax or taxes to pay any or all judgments against the city.

Treasurer to be removed on failure to collect tax.

SECTION 20. In case the city treasurer shall, at any time, refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

Accounts to be sworn to.

SECTION 21. All accounts or demands against the city, before the same shall be allowed, shall be verified by affidavit, except salaries and amounts previously fixed or determined by law; and any person who shall falsely swear to any such account or demand shall be deemed guilty of perjury.

Conditions for payment of city orders.

SECTION 22. No money shall be appropriated or drawn out of the city treasury, except in payment of accounts and demands allowed by the common council, and then only upon the order of the mayor and countersigned by the city clerk, and upon the presentation of such order, the city treasurer shall pay the same to the holder thereof. All such orders shall be numbered in regular series, commencing with number one, and shall be made payable to the person in whose favor the common council may have lawfully audited any account, and said order shall state the number of the bill in payment of which the same was drawn, for what purpose, and from what fund payable, and the city funds shall be paid out of the treasury in no other manner whatsoever, and no interest shall be allowed or paid on any city order or certificate whatever: *provided, however*, that when the city, being duly authorized thereto, shall borrow money, certificates of appropriation therefor may be issued, payable at such time or times as the council may determine, and such certificates may be drawn to bear interest at a rate not exceeding ten per centum per annum, and when so drawn and signed by the mayor and clerk, interest [shall be paid] thereon as therein expressed.

Orders to be numbered.

When interest may be paid.

How action to be maintained.

SECTION 23. No action shall be maintained by any person against the city of Neenah, upon any claim or demand until such person shall first have presented his claim or demand to the common council for allowance, and allowance thereof refused by said council.

Determination to be final.

SECTION 24. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, except that such person may appeal to the circuit court, as provided in section twenty-six of this chapter.

Not to entertain account the second time.

SECTION 25. In case any person shall present his claim or demand to the common council, and the said council shall disallow the said claim in whole or in part, the said council shall not thereafter entertain such claim again unless by unanimous consent of the whole council, and such claimant, if he desires, may prosecute his said claim by appeal to the circuit court, and not otherwise.

May appeal from disallowance of account.

SECTION 26. When any claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of the council disallowing such claim, to the circuit court of the county of Winnebago, by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision, and executing a bond to the said city with sufficient surety, to be approved by the said clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the applicant by the court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the bond and all the papers in the case, to the clerk of the circuit court of Winnebago county, and thereupon such appeal shall be entered, tried and determined in the same manner as cases originally commenced in the circuit court, and costs shall be awarded thereupon in like manner.

How appeal to be taken.

Shall give notice.

SECTION 27. The clerk, upon such appeal being taken, shall forthwith give notice thereof to the mayor, and shall also report the same to the council at its first meeting thereafter.

CHAPTER VIII.

FIRE DEPARTMENT.

May prescribe fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden

buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

May regulate building of chimnies, etc.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire, and to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel the bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

May purchase engines and organize fire companies.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty, and may elect its own officers, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from poll tax, from serving on juries and from military duty during the continuance of such membership.

Appointment and confirmation of engineers.

SECTION 4. The fire department shall, on the third Monday of March of each year, at seven o'clock in the afternoon, meet at such place as the common council may appoint, at which time and place they may appoint one chief engineer and two assistant engineers of the fire department, which appointment shall be confirmed by the common council before the same shall be in force; and if for any reason such appointments shall not be made at the time and in the manner provided in this section, and confirmed by the common council then the common council may, at such time as they may deem proper, elect one chief engineer and two assistant engineers of the fire department.

Of fire wardens.

SECTION 5. At the same time, or as soon thereafter as may be, the members of the fire department shall appoint one fire warden for each ward, who shall perform such duties as the common council shall prescribe.

Punishment for disobedience of orders.

SECTION 6. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, policeman, watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fires shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council shall prescribe, not exceeding fifteen dollars.

CHAPTER IX.

POLICE JUSTICE—HIS POWERS AND DUTIES.

Jurisdiction of the police justice—when exclusive.

SECTION 1. The jurisdiction of the police justice of the city of Neenah shall be co-extensive with the county of Winnebago, and the said police justice shall have exclusive jurisdiction to try all criminal cases and conduct all examinations within said city, under the laws in which justices of the peace have jurisdiction, and according to this act.

When concurrent.

SECTION 2. The said police justice shall have jurisdiction concurrently with the circuit court in all cases of larceny, where the amount alleged to have been stolen shall not exceed the sum of eighty dollars: *provided*,

that nothing herein contained shall be so construed as to give said justice jurisdiction of offenses punishable by imprisonment in the state prison.

SECTION 3. The punishment for such larceny shall be by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both fine and imprisonment, in the discretion of the court. The police justice shall have jurisdiction, concurrently with the circuit court within said county, of all offenses mentioned in sections fifty-six and fifty-seven, chapter one hundred and sixty-five of the revised statutes of the state of Wisconsin, where the value of the wood or timber cut, or the mineral or earth dug or carried away, shall not be alleged to exceed the value of one hundred dollars; and in such cases the punishment shall be by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding six months.

Punishment for petit larceny.

Concurrent jurisdiction specified.

SECTION 4. In all cases arising under the last two mentioned sections, if the defendant shall dispute the title of the land upon which the alleged offense was committed, he shall join with his plea of "not guilty," a statement to that effect, and the court shall require him to enter into a recognizance with two sufficient sureties, who shall justify in double the amount of penalty named in the recognizance, for his appearance before the next term of the circuit court, and the said justice shall then transmit the papers and all proceedings in the case to the clerk of the circuit court of Winnebago county, and the cause shall be tried in said circuit court upon the original papers filed with said justice.

May take recognizance and transmit papers to circuit court.

SECTION 5. The said police justice shall have jurisdiction of all actions for assaults, batteries and affrays, which trials, in such cases, shall be conducted according to the provisions of chapter one hundred and twenty-one of the revised statutes of Wisconsin.

Jurisdiction in case of assaults, etc.

SECTION 6. The said police justice shall have and possess all the rights, powers and privileges of justices of the peace, and all the laws of this state concerning justices' courts shall apply to the police court of the city of Neenah, except so far as said laws conflict with the provisions of this act.

Laws relating to justices' courts applicable.

SECTION 7. The said police justice shall have jurisdiction to hear, try and determine all offenses mentioned in sections one to fourteen, inclusive, of chapter one hundred and sixty-nine of the revised statutes.

Jurisdiction of certain other offenses.

SECTION 8. The said justice may appoint a clerk, who shall have power to administer oaths. The ap-

May appoint clerk.

pointment of such clerk shall be in writing, under the hand of said justice, and filed in the clerk's office of the circuit court of Winnebago county.

CHAPTER X.

May change boundaries of school districts.

SECTION 1. The common council shall have the power to change the boundaries of school districts situate within the limits of the city of Neenah; to form new districts, and to do all things in relation to the alteration, formation or consolidation of school districts that the town board of supervisors can by law now do; and whenever any territory lying within the limits of the city of Neenah forms part of a school district, with territory outside of the limits of the city of Neenah, the common council shall have the power, with the concurrence of the town board of supervisors of the town in which part of such school district may be situated, to annex such territory lying within the limits of the city of Neenah, to some district already existing in said city, or with such territory forming parts of school districts already organized within the city limits, to form a new school district. All and any laws of the state in reference to the alteration or formation of school districts in conflict with the provisions of this chapter are hereby repealed, so far as they may be applicable to defeat the provisions of this chapter.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

Successor to all the rights of the village corporation.

SECTION 1. The city of Neenah shall be, and is hereby invested as the lawful owner and successor of all real and personal property, and all the rights and privileges belonging to the corporation of the village of Neenah, and such part of all the real and personal property, rights and privileges belonging to the town of Neenah, as is or may be contained in such portion of such organizations, and to be included in said city limits, together with all the funds, revenues, debts and demands, due and owing to the said above-named organization, as a corporate body, which, by or under any former acts, ordinances, grants, donations, gifts, construction or purchases, have been acquired, vested, or in any manner belong to said corporations or either of them, in the proportion that the whole valuation of each of such organizations is to the valuation of such

portion of such organization as is embraced within the limits of said city of Neenah, and the county equalization thereof, for the year 1872, shall be the basis of such proportion; and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims and demands against the said corporations, or either of them, may be continued, prosecuted, defended and completed in the same manner as if this act had not passed.

Statements of financial condition to be made and filed.

SECTION 2. The board of trustees of the village of Neenah and the board of supervisors of the town of Neenah, in the county of Winnebago, shall each of them at the time of making their annual statements of the financial condition of their respective organizations for the year 1872, as now required by law, cause a copy thereof to be made and filed by the clerk of each of said organizations with the city clerk of the city of Neenah, within ten days from the time of making such several statements; each of said statements shall show the total indebtedness of such organization at that time, and to whom or what such indebtedness is owing. If any of said indebtedness arises from outstanding orders, it shall give the number or numbers thereof, and the name of the person in whose favor each is respectively drawn. If any of said indebtedness arises from accounts audited and orders not drawn, it shall state the names of the persons to whom such accounts were audited and the amount thereof of each. If any of said indebtedness is for bonds, it shall give the amount of each, the time when due, the rate of interest, the date thereof, the time when interest is due and the amount of accrued interest thereon, and said statements shall each contain a detailed account of all the assets of each of said organizations; each of said statements shall also state whether any actions have been commenced against said organization or not, and if any action has been commenced, it shall give the names of the plaintiffs, the nature of the complaint, the name of the plaintiffs' attorney, the present status of the case, and the name of the attorney, if any, employed by the organization to defend.

How indebtedness to be classified.

Village clerk and treasurer to deliver up books, etc., to city officers.

SECTION 3. The village treasurer and village clerk of the village of Neenah, and the town treasurer and town clerk of the town of Neenah, in the county of Winnebago, and each and all of them shall, on or before the first day of May, 1873, deliver over to the city treasurer of the city of Neenah, all the moneys, books,

papers and property of every nature whatsoever in their hands, belonging to each of said organizations of which he is the treasurer or clerk, and thereupon the city treasurer of the city of Neenah shall give to each of the said treasurers and clerks of said organizations, his receipt therefor, for the articles so delivered. In case any treasurer or clerk of either of said organizations shall fail, neglect or refuse to deliver over to the said city treasurer of the city of Neenah, any moneys, books, papers or property pertaining to each of their several offices as aforesaid, at the time or as required by section three of this chapter, then the officer so failing, neglecting or refusing shall forfeit and pay for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and the aforesaid city officers may recover the possession of such moneys, books and papers, or other property of said organizations in the manner prescribed by the laws of this state; such books and papers as aforesaid shall only be retained by said respective city officers for the sole purpose of making an abstract of so much of such records and papers as shall pertain to highways now in said city, and a full and complete settlement between that portion of the town of Neenah which is in part included in the limits of said city of Neenah, and that portion of said organization which is outside of said city limits; and upon the completion of said settlement, said books and papers shall be delivered over to the proper officers of the said organizations as they may at that time exist, and all money that may be found due and owing on account of the proportionate value of any moneys or property which may have been owned in common at the time of the organization of said city, shall be immediately paid over to the proper officer or officers; and the moneys, books and papers of the town of Neenah, and the village of Neenah, shall remain in the hands of said city officers.

Forfeiture for failure to deliver over.

For what to be retained.

Circuit judge to appoint appraisers.

SECTION 4. The judge of the circuit court for the county of Winnebago shall, at the next term of the circuit court held in and for said county after the passage of this act, appoint three persons whose duty it shall be to examine and appraise the value of all property of the said city of Neenah of which the said city may have become invested by virtue of this act; and said persons shall signify their acceptance of such appointments and willingness to perform the duties incumbent thereon in writing, directed to the judge of said circuit court within five days after notice of such appointment

such persons when so appointed, and having so accepted shall be styled "appraisers of the city property of the city of Neenah."

SECTION 5. Within ten days after such acceptance, said appraisers shall proceed to examine and appraise the value of all such property. The basis of appraisal of the true, equitable value of all such property shall be the then present value thereof, in its then present condition, for the proper uses of the city for which said property is to be used by said city: *provided, however*, that all highways (except bridges), and all works performed on highways (except bridges), on parks and public grounds, and all work done thereon, shall not be considered city property for the purposes of such valuation.

What shall be the basis of appraisal.

SECTION 6. The said appraisers shall, within thirty days after such acceptance, make two reports of the value of all such property as found by them, one of which shall be filed with the city clerk of said city of Neenah, and the other shall be filed with the clerk of the circuit court of Winnebago county. In case the said appraisers shall not agree as to the value of such property, they shall each make separate reports of the value thereof, as found by each, and file the same as above provided, and the common council of said city shall decide as to which valuation of any of said property they will accept and abide by, and such decision shall be final.

Appraisers to make two reports.

SECTION 7. The appraisers shall receive such compensation for such services, as the common council of said city shall allow.

Their compensation.

SECTION 8. The city treasurer shall render to the common council of said city, at their first meeting held after the first day of May, 1873, a statement showing the amount of moneys and other property received from each of the treasurers and clerks of said organizations respectively, and the city clerk shall, also at such meeting, lay before the common council the statments of the financial condition of the several organizations, made as required by section two of chapter eleven of this act, and shall also lay before the said common council, the report of the appraisers appointed under the provisions of section four of chapter ten of this act.

Treasurer and clerk to make statements to common council.

SECTION 9. The common council shall thereupon proceed to make a just, fair and equitable settlement between the city and the several organizations from which the city was formed in part, and not included in said city limits, and any and all amounts found to be owing by said city to any portion of the territory out-

Council to make equitable settlement between city and other organizations.

side of the city, which comprised a part of an organi zation from which said city was formed in part, shal be paid by said city as soon as the said territory shal be reorganized, and proper officers elected and author ized to receive and receipt for the same. But if i shall be found upon such settlement, that there is an amount due any portion of said city from any portio of territory outside of said city limits, which was part of an organization from which said city wa formed in part, that portion of said territory so owin said part of said city shall pay the amount thereof t the city treasurer. And in case any portion of terri tory so indebted shall fail, neglect or refuse to pay th amount thereof so found to be due, the city treasure of said city shall proceed to collect the same in th manner as is now provided by the laws of this stat for the collection of debts against towns, cities and vil lages.

Shall adjust the difference in debts and credits, and levy tax to pay the same.

SECTION 10. The common council shall thereupo proceed to make a just, fair and equitable adjustmen and settlement of the difference in debts and credit which may there be found to exist, between the differ ent portions or parts of territory which have by thi act been formed into and constitute the city of Neenah and shall, at their annual meeting, held in Septembe 1873, for the purpose of levying the general city taxe for that year, levy upon all of the taxable property o each of the said different portions, such an amount o tax in addition to the general city taxes for that yea as will make each of said portions equal in assets, (ove and above all liabilities), with every or any other po tion, organization or part of organization at the tim of such settlement as aforesaid, so ascertained upo the basis aforesaid; and said tax shall be placed in separate column upon said tax roll, and shall be co lected at the same time and in the same manner as th general city taxes of said city, and the taxes thus co lected, and the assets, over and above liabilities, sha be in the manner aforesaid adjusted and placed to th credit of the proper wards, as so much of each ward proportion of the general city fund, to be used for ge eral city purposes: *provided, however*, that not mo than one per cent. upon the assessed valuation of an such portion of said territory shall be levied in th year 1873 for such purpose. But in the event th said one per cent. tax shall not liquidate the full i debtedness of any portion of said territory so found, further and sufficient sum shall be levied as aforesai upon the assessed valuation of each of such portion

as aforesaid, which shall be in arrear, in addition to the general city taxes of 1874, as will fully pay the entire amount so left unpaid.

Powers in relation to school districts.

SECTION 11. The common council of the city of Neenah shall have the same powers in relation to all school districts, situated in whole or in part within said city limits, as are now conferred upon town boards of supervisors by the laws of this state, and shall perform all duties relative thereto in the same manner as town boards of supervisors are authorized to do.

All work to be let by contract.

SECTION 12. All work for the city or either ward thereof shall be let by contract to the lowest reasonable, responsible bidder, and due notice shall be given of the time and place of letting such contract: *provided*, that the council, by a vote of two-thirds of all the members thereof, may otherwise provide for work.

Actions to recover penalties.

SECTION 13. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally for such penalty or forfeiture, stating the clause of this act or by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigency of the case may require. In all cases where an action might be brought by the city of Neenah against any person, company or corporation, such action may be commenced and prosecuted in the name of the city, by any elector of said city: *provided*, that before any person, other than the proper officers of said city shall prosecute any such action, the person or persons so commencing shall enter into bonds with sufficient surety to the opposite party, to be approved by the judge or justice before whom such action shall be brought, conditioned that he or they will pay all costs that might be recovered against the city in such action. After the filing of such bond, with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any costs on account of any such action, but such costs, where the action shall fail, may be recovered against the party commencing the same, upon the bond filed as aforesaid: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting, without process, any person in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly con-

How may be commenced and prosecuted.

Not to interfere with peace officers.

duct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offenders.

How judgment shall be entered.

SECTION 14. In all cases of conviction in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture for the violation of any city ordinance or regulation, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall refuse or neglect to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Winnebago county for a term not exceeding three months, and shall forthwith commit the defendant for the term fixed by said judgment, and in all cases where the judgment shall be, that the defendant shall be imprisoned in the county jail, the court may, in its discretion, enter a further judgment that the defendant pay the costs of prosecution, and that he be held in imprisonment in the said jail until such costs be paid, or he be otherwise discharged by due course of law.

Not to make incompetent.

SECTION 15. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Failure to elect officers not to suspend corporation.

SECTION 16. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election may be held on any subsequent day by order of the mayor; and if any of the duties enjoined by this act or the ordinances or by-laws of the city to be done by any officer, at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

How process against city served.

SECTION 17. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances and resolutions of said council may provide.

May hold property.

SECTION 18. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may improve or sell

and convey the same, and the same shall be free from taxation, while owned or held by said said city.

SECTION 19. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law. Not repealed by general laws.

SECTION 20. From and after the last Monday of March, 1873, the connection between the town of Neenah, included with the city limits, for all town purposes, shall be dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Neenah, shall be performed by the aldermen of the the wards and the other officers of said city, except as hereinafter provided. When connection dissolved.

SECTION 21. Every member of the common council of the city of Neenah, who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as an inspector of elections, member of the board of registry, and as a member of the board of equalization, any member of the common council or other city officer, who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council, or other city officer, who shall directly or indirectly purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before the police justice or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court; and any contract made in violation of the provisions of this section shall be void. Penalty for voting illegal appropriations, by members of the council.

SECTION 22. The city of Neenah shall have authority to loan its credit for the encouragement of manufactories located within its corporate limits, for such sum and upon such terms and conditions as a majority vote of the legal voters may order and determine, not exceding in amount for any one purpose one per cent. of its last assessed valuation. City may loan its credit.

SECTION 23. Every license issued by the authority of this act, or the ordinances of the city, shall be signed How licenses to be issued.

by the mayor and city clerk, and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk until the person applying for the same shall have deposited with the said clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the applicant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of this state, which bonds shall be approved by the mayor, and a sum not less than the minimum sum, nor greater than the maximum sum fixed by the laws of this state to be paid for such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council, at each regular meeting thereof, the licenses theretofore issued by them and not before reported, and the council shall by vote approve or disapprove of the same. If the council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been revoked by the action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time said license was in force.

Shall report licenses issued for approval by council.

SECTION 24. The use of the jail of Winnebago county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible as in other cases; but the said county shall not incur or pay any liability or expense on account of any person committed to said jail, for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Place of confinement of offenders.

SECTION 25 No real or personal property of any inhabitant of said town or city, individual or corporation shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Private property not to be taken for public debt.

SECTION 26. When a judgment shall be recovered against any officer of said city in any action prosecuted by or against him, in his name of office, where the same should be paid by the city, no execution shall be issued or awarded upon such judgment, except as hereafter provided; but the same, unless reversed, shall be levied and collected as other city charges, and when so collected, shall be paid by the city treasurer to

How judgments against city officers to be paid.

the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if the payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on special application therefor.

Members of the council not to be appointed to office.

SECTION 27. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt for less than the amount expressed upon the face thereof.

Mayor to have pardoning power.

SECTION 28. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper; he shall communicate any such action to the council at its next meeting, with his reasons therefor. All fines imposed by the police court of the city of Neenah, for violation of this act, or ordinances, by-laws or regulations made in pursuance thereof, shall be paid by the officer collecting the same into the city treasury, and a separate account made thereof; and in the months of March and September in each year, the city clerk shall report to the council the amount so received during the preceding six months, and also the expenses attending such prosecution in the city during the same year.

Power of removal.

SECTION 29. The common council shall have power, and it shall be their duty, to remove from office any policeman or watchman for incompetency, misconduct or neglect in the discharge of his official duties, or for refusing or neglecting to perform such acts as are required of him by law.

Punishment for drunkenness, etc.

SECTION 30. Any person who shall be guilty of drunkenness or immoderate drinking, improper reveling, obscenity, or noisy, boisterous and disorderly conduct in the streets or public places of the city of Neenah, shall be deemed guilty of a misdemeanor, and on conviction thereof before the police justice of said city, shall be punished by a fine of not less than one nor more than one hundred dollars, or by imprisonment in the county jail of Winnebago county for a term of not less than two days nor more than three months.

Examination by justices, for offenses.

SECTION 31. Whenever any complaint is made to the police justice of said city by any police officer,

sheriff, deputy sheriff, policeman or other person, that any offense has been committed within the said city against the provisions of the charter of said city, or of the by-laws or ordinances passed in pursuance thereof, whether such offense is made punishable under such charter or ordinances, by fine, penalty or imprisonment, the said justice shall examine the complainant on oath, and reduce the complaint to writing, and cause the same to be subscribed by the complainant; and if it shall appear that any such offense has been committed, the said police justice shall issue his warrant, reciting the substance of the complaint, requiring the officer forthwith to arrest the accused and bring him before such police justice to be dealt with according to law. All the laws of this state relating to the manner of conducting of criminal actions before justices' courts shall be applicable to all trials before the police justice under this act, so far as the same do not conflict with the provisions of this act: *provided*, when the complaint is made by any person other than a police officer of said city, or sheriff or deputy sheriff of Winnebago county, the said justice, before issuing his warrant, may require security, as provided in section thirteen of chapter ten of this act.

General laws to be applicable in criminal suits.

Compensation.

SECTION 32. No compensation or salary shall be paid the mayor or any alderman of said city, except as provided in section twenty-one of this chapter.

Repealed.

SECTION 33. Chapter two hundred and twenty-one of the private and local laws of 1856, entitled an act to incorporate the village of Neenah, and all acts amendatory thereof are hereby repealed: *provided*, that such repeal shall not affect any act done or right accrued or established previous to the time when such repeal shall take effect, but every such act and right shall remain as valid and effectual as if the said act, and several acts amendatory thereof, had remained in force; *and further*, *provided*, that all officers of said village, now elected or appointed and acting, shall remain in their several offices until the several officers of the city of Neenah are elected or appointed, and qualified in pursuance to the provisions of this act.

SECTION 34. This act is hereby declared to be a public act, and shall be liberally construed in all courts of this state.

SECTION 35. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1873.

CHAPTER 152.

[*Published March* 25, 1873.]

AN ACT to amend section twenty-four of chapter one hundred and thirty of the general laws of 1868, entitled an act to provide for the assessment of property for taxation, and the levy of taxes thereon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—who shall constitute board of review, and their proceedings.

SECTION 1. Section twenty-four of chapter one hundred and thirty of the general laws of 1868, entitled an act to provide for the assessment of property for taxation, and the levy of taxes thereon, is hereby amended by striking out the words, "chairman of the," where the same occur in the first line of said section, so that said section twenty-four, as amended, will read as follows: Section 24. The board of supervisors, clerk and assessors of each town, the mayor, clerk and assessors of each city, and the president, clerk and assessors of each incorporated village shall constitute a board of review for such town, city or village. The board of review shall meet annually, on the last Monday in June, at the town, city or village clerk's office. A majority shall constitute a quorum. Notice of the time and place of such meeting shall be posted up by such clerks in at least three public places in each town, village or city, or ward thereof, at least four days prior to such meeting. The town, city or village clerk on said board of review shall be clerk thereof, and shall keep an accurate record of all its proceedings. The board may adjourn from day to day, until its business is completed, and shall receive the same compensation as is allowed by law to assessors.

SECTION 2. This act shall take effect and be in force from and after the passage and publication thereof.

Approved March 13, 1873.

CHAPTER 153.

[*Published March* 25, 1873.]

AN ACT to provide for binding the British patent reports, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall bind patent reports.

SECTION 1. That the state printers be, and they are hereby directed to bind, in half calf binding, with paper sides, the British patent reports received, and those which may hereafter be received, by the State Historical Society; said binding to be done under the direction of the library committee of the Historical Society, with the approval of the governor.

Transfer of books.

SECTION 2. That the state librarian be and he is hereby directed to transfer from the State Library to the State Historical Society, the partial set of Silliman's Journal of Science, in order that the Historical Society may complete and continue the same.

Approved March 13, 1873.

CHAPTER 154.

[*Published March* 21, 1873.]

AN ACT to amend an act to incorporate the city of Grand Rapids, approved March 6th, 1869, being chapter two hundred and forty-seven, private and local laws.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. The act to which this is amendatory is hereby amended by inserting therein, between chapters eight and nine, the following chapter, to-wit:

CHAPTER IX.

EDUCATION.

Declared separate school district.

SECTION 1. So much of the county of Wood as is or may hereafter be included within the corporate limits of the city of Grand Rapids, is hereby declared to

be a separate school district, the government of which shall be as hereinafter provided.

SECTION 2. On the third Monday of March next, there shall be elected by the legal voters of said district, one commissioner of common schools from each ward in said city, who shall hold his office for one year and until his successor is elected and qualified. There shall also be elected on said day, and annually thereafter, by the legal voters of said district, one commissioner of common schools from each ward in said city, who shall hold his office two years and until his successor is elected and qualified. The meeting for the election of said commissioners shall be held at the school house, situate in the second ward. The hour of said meeting shall be seven o'clock in the afternoon of said day. The persons so elected shall, within ten days after their election, take the oath of office prescribed by the constitution of this state, and file the same with the city clerk. Election of school commissioners.

SECTION 3. At the first meeting of said commissioners after their election, to be held on the second Saturday of April in each year, they shall elect by ballot from their own number a president and treasurer, and at the same time they shall elect by ballot a superintendent of schools, who shall be ex-officio clerk of the board of education of said city. The president, treasurer and superintendent shall each hold his office for the term of one year and until his successor is elected and qualified. Election of officers of the school board.

SECTION 4. The superintendent shall, within ten days after his election, take the oath of office prescribed by the constitution of this state, and file the same with the city clerk. Shall take oath.

SECTION 5. No person in the city of Grand Rapids that holds any office under the city government shall be eligible to the office of commissioner of common schools, and no commissioner shall have or receive any compensation for his services as such commissioner or as a member of the board of education. Office holders ineligible.

SECTION 6. Said commissioners shall, at their annual meeting in each year, to be held on the second Saturday of April, fix the salary of the superintendent for the ensuing year, and also to fix the amount of the official bond of the treasurer, which said bond must be executed with two sureties and approved by the said commissioners, before he enters upon the duties of his office. Shall fix salary of superintendent and amount of bond.

SECTION 7. Whenever any vacancy shall occur in Vacancy.

the board of education, the same shall be filled by a board.

Power of removal.

SECTION 8. The board of education shall h power to remove from office the superintendent or tr urer for official misconduct or negligence, by a vote two-thirds of its members, exceeding [excluding] vote of the party on trial; but no member shall be removed without due notice, and a full and impart hearing.

Shall constitute board of education.

SECTION 9. The said commissioners of comm schools with said superintendent shall be a body c porate by the name of the "Board of Education of t city of Grand Rapids" in relation to all powers a duties conferred upon them by virtue of this act, well also as those conferred by any law of the state lating to common schools. A majority of the sa shall constitute a quorum.

Duties of clerk of the board.

SECTION 10. The clerk shall keep a record of proceedings of said board, and all the records and pers belonging thereto, which records, or a transcr thereof, certified by the president and clerk, shall received in all courts as *prima facie* evidence of t facts therein set forth; and such record and all t books and accounts of said board shall be always su ject to the proper inspection of any elector of said ci and the said books, records and accounts shall be t property of said board and their successors in offi

Shall take census.

Between the first and fifteenth days of July in ea year, the said clerk shall cause to be taken a census all children residing in said district, between the ag of four and twenty years, and report the same to t state superintendent of public instruction, as provid by section thirty of chapter twenty-three of the revis statutes; and he shall perform such other duties the board may prescribe. He shall also have pow and authority to administer oaths and affirmations.

All school moneys to be paid to treasurer of the board.

SECTION 11. All moneys to be raised pursuant the provisions of this act, and all school moneys by la appropriated to or provided for said city, shall be pa to the treasurer of said board, who shall give his recei therefor to the proper officer, and who, together wi the sureties upon his bond as treasurer, shall be a countable therefor, in the same manner as the treasur of said city is liable for moneys coming into his hand as treasurer; and the said treasurer shall also be liab to the same penalties for any official misconduct in r lation to the said moneys as is the treasurer of said cit

SECTION 12. The board of education may cause a suit or suits to be prosecuted in their own name upon the official bond of their treasurer, for any default, delinquency or official misconduct in relation to the collection, safe keeping or payment of any money mentioned in this act. May prosecute suits.

SECTION 13. The superintendent of schools shall examine all teachers making application for schools (examinations to be public;) shall grant certificates to such persons so examined as shall be deemed by him and a majority of the board, suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to the common schools. He shall also be specially charged with the care and custody of the several school houses of the city, and under the direction of the board shall superintend the building, enlarging, improving, furnishing and repairing of all the school houses ordered to be erected by them, and making of all repairs and improvements on and around the same. In addition to the foregoing duties, he shall visit the common schools of the city at least three times during each term, and report their condition to the board with such suggestions for their improvement as he may deem proper. He shall also perform such other duties with respect to such schools as the board may assign him. The amount of his compensation shall be determined by the board of education, and the manner of its payment. Special duties of the superintendent.

SECTION 14. It shall be the duty of the superintendent, between the first and fifteenth days of October in each year, to make and transmit to the clerk of the board of supervisors of the county, a report in writing, bearing date on the first day of October, in the year of its transmission, stating: Shall make report—its contents.

1st. The number of schools taught within the city, and the length of time they have been taught by qualified teachers. Number of schools.

2d. The total amount of public moneys received for the use and benefit of such schools. Amount of moneys.

3d. The number of children taught in the common schools of the city, and the number of children residing in the city over the age of four and under the age of twenty years. Number of children.

4th. The manner in which the public moneys have been expended, and whether any and what part remains unexpended, and for what cause. Expenditure of moneys.

5th. The amount of money raised in the city, and paid for teachers' wages in addition to the public mon- Amount of money for specific purposes.

eys raised therefor; the amount of taxes raised for purchase of school house sites, for building, hiri purchasing, repairing and insuring school houses, fuel, for district libraries, or for any purpose allowed law in said city, since the date of the last preceding port, with such other information as the state super tendent may from time to time require.

Expenditures restricted.

SECTION 15. It shall be the duty of said board all their expenditures and contracts, to have referen to the amount of moneys that shall be subject to th order during the then current year, for the particul expenditure in question, and not to exceed such amou

Record to be kept, and to be evidence.

SECTION 16. The clerk of said board shall keep record of the proceedings thereof, and perform su other duties as the board may prescribe, which reco or a transcript thereof, certified by the superintende and clerk, shall be received in all courts as *prima fa* evidence of the facts therein set forth, and such recor and all the books and accounts of said board shall all times be subject to the inspection of the city cou cil and of any committee thereof.

School moneys to be raised by tax, and for what purposes.

SECTION 17. The city council of said city shall ha the power, and it shall be their duty to raise from ti to time by tax upon the real and personal estate said city which shall be liable to taxation to the amou of school moneys now or hereinafter appropriated provided by law for common schools in said city, su sums as may be determined and certified by the s board of education to be necessary or proper for a or all of the following purposes:

For sites.

1st. To purchase, lease or improve sites for sch houses.

For buildings and repairs.

2d. To build, purchase, lease, enlarge, alter, impro and repair school houses and their out-houses and purtenances.

For apparatus, etc.

3d. To purchase, exchange, improve and rep school apparatus, books, furniture and appendag but the power herein granted shall be denied to furnishing of class or text books for any scholar wh parents or guardian shall be able to furnish the sa

For fuel, etc.

4th. To procure fuel and defray the contingent penses of the district library of said city.

For teachers' wages.

5th. To pay the wages of teachers due after application of the public moneys which may by law appropriated and provided for that purpose: *provid nevertheless*, that no tax shall be laid for such purpo oftener than once in each year.

Powers of the board.

SECTION 18. The said board shall have the pow and it shall be their duty:

To establish and organize such and so many in different parts of the city as they shall deem e and expedient, and to allow and discontinue e. **Organize schools.**

To purchase or hire school houses and rooms, s and sites for school houses, and to fence and e them as they may deem proper. **Provide school houses.**

Upon such lots and upon any sites now owned city, to build, enlarge, alter, improve and repair houses, out-houses and appurtenances as they em advisable. **To build the same.**

To purchase, exchange, improve and repair apparatus, books for indigent pupils, furniture pendages, and to provide fuel for the schools, defray their contingent expenses, and the ex- f the library. **Purchase apparatus.**

To have the custody and sake keeping of the houses, out houses, books, furniture and ap- es, and see that the ordinances of the city in re- hereto are observed. **Custody of school property.**

To contract with all teachers for said district e uumber of those who shall have been licensed in provided, and at their pleasure to remove **Contract with teachers.**

To pay the wages of such teachers out of the money which shall be provided for said city, s the same shall be sufficient, and the residue from the money authorized to be raised for that e by section eleven of this act by tax upon the **Pay their wages.**

To defray the necessary contingent expenses of rd, including the salary of the clerk, treasurer erintendent. **Defray contingent expenses.**

To have in all respects the superintendence, su- on and management of the common schools in y, and from time to time to adopt, alter, modify eal, as they may deem expedient, rules and reg- s, for the organization, government, instruction ception of pupils and their transfer from one to another, and generally for the promotion of ood order, propriety and public utility. **Have management and superintendence of schools.**

. To sell, whenever in the opinion of the board be advisable, any of the school houses, lot, lots or any of the school property now or hereafter ing to the district. **To sell property**

. To prepare and report to the common council rdinances and regulations as may be necessary per for the protection, safe-keeping, care and **To report ordinances, amount of money needed, etc., to the council.**

preservation of school houses, lots and sites and
purtenances, and all the property belonging to the d
trict connected with or appertaining to the scho
and to suggest proper penalties for the violation
such ordinances and regulations, and annually, on
before the first day of July, to determine and cert
to said common council, the sums in their opin
required or proper to be raised, under the ninth s
tion of this act. The schools established or maintai
under the provisions of this act shall be free and wi
our charge to all children between the ages of six a
twenty years, residing in the district, subject to su
reasonable and proper classification as the board m
order.

Schools free.

SECTION 19. Said board of education shall h
power to allow the children of persons not resid
within the city to attend any of the schools in s
city, upon such terms as said board shall by resolut
prescribe.

May receive non-residents.

SECTION 20. The said board of education shall
trustees of the district library in said city, and all t
provisions of law which now are or hereafter may
passed relating to district school libraries, shall app
to the said board in the same manner as if they w
the trustees of an ordinary school district. They sh
also be vested with the discretion as to the disposit
of the money appropriated by any law of the state
the purchase of libraries, which is therein confer
upon the inhabitants of school districts. It shall
their duty whenever they shall deem it advisable
provide a library room and all the necessary furnit
therefor, to appoint a librarian, to make all purcha
of books for the said library, and from time to time
exchange or cause to be repaired, the damaged boo
belonging thereto. They may also sell any books th
may seem useless or of an improper character, a
apply the proceeds to the purchase of other books.

Shall be trustees of district library.

SECTION 21. It shall be the duty of the said boa
in the month of March of each year, to publish a f
report of their doings for the preceding year.

Shall publish report.

SECTION 22. The said board shall be subject to t
rules and regulations which have been or may be ma
by the state superintendent of public schools, so far
the same may be applicable to them and not inconsi
ent with the provisions of this act.

Subject to state superintendent.

SECTION 23. The said board shall have power
employ teachers without any certificate of qualificati
from the town or county superintendent. The co

Employment of teachers.

mon council of the city of Grand Rapids shall have the power, and it shall be their duty, to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe keeping, care and preservation of the school-houses, lots, sites and appurtenances, and all the property belonging to or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act of incorporation of said city, and all such penalties shall be collected in the same manner in which the penalties for a violation of the city ordinances are by law collected, and when collected, shall be paid to the treasurer of the city, and be subject to the order of the board of education in the same manner as other money raised pursuant to the provisions of this act.

Title to school property vested in the board.

SECTION 24. The title of the school houses, sites, lots, furniture, books, appurtenances and all other property in this act mentioned, shall be vested in the said board; and the same while used or appropriated for school purposes shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever, and the said board, in its corporate capacity, shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise, for the use of the common schools of the said city.

Disposition of proceeds of sales.

SECTION 25. Whenever any of the school property of said district shall be sold by said board, the proceeds shall be paid to their treasurer, and shall be subject to their order, to be expended by them for the use of said district; and all moneys to which the said district may be entitled, shall in like manner be paid over by the proper officer to the treasurer of the board, on his presenting an order therefor, signed by the president and clerk of the board, and the same shall be disbursed by him to persons who may present similar orders from said board to him.

Amount to be raised by tax for high school house.

SECTION 26. Said board of education is hereby authorized and empowered to raise by tax a sum not to exceed ten thousand dollars for the purpse of erecting and equipping a suitable building for a high school for said city, and to be expended for that purpose in connection with a sum of money hereinafter named, proposed to be given to said city in trust. The said school board shall be empowered to recive in trust, in behalf of the city, from John Lovington and Thomas B. Scott, executors of Lyman Howe, deceased, late of east St.

May receive bequest.

Louis, of the state of Illinois, the sum of ten thous dollars and such interest as may have accrued there donated by said Howe to the city of Grand Rapi and to apply the same to the purposes hereinbef named, and to enjoy the benefit of said fund so lo as a high school shall be maintained in said city, no longer, and said high school shall be called Howe High School.

General provisions to be applicable.

SECTION 27. The provisions of the laws of t state relative to common schools, and which are not consistent with this act, shall apply to the dist hereby established, but the superintendent shall have power to alter the limits of said district.

County delinquent tax to be paid over.

SECTION 28. Whenever any money, orders or certificates shall be delivered to the city of Gr Rapids by the county, in payment of the taxes turned on the city delinquent list, it shall be the d of the city treasurer to pay over that proportion each of the money, orders, or tax certificates so recei which may be due the board of education, to the tr urer of said board.

Amended—city limits, and powers of the corporation defined.

SECTION 29. Section one of chapter one of the to which this act is amendatory is hereby amended as to read as follows: Section 1. That from and a the first Tuesday of April next, all that distric country included in sections four, eight, west half of northwest quarter of section nine, and sections seven and eighteen in township number twenty-two and sec thirty-four of township number twenty-three, all no of range number six east of the fourth principal m dian, which lies east of the Wisconsin river, in county of Wood, shall be known and designated as city of Grand Rapids, and by that name shall be c ble of contracting and being contracted with, and su and being sued, pleading and being impleaded, ans ing and being answered unto, in all courts and ces and in all matters whatever; with power of p chasing, receiving, holding, occupying and convey real estate and personal estate; and shall be compe to exercise all the rights and privileges, and be sub to all the duties and obligations appertaining t municipal corporation.

Amended.

SECTION 30. Section two of chapter one of said is hereby amended by inserting after the words, " wit," in the third line of said section, the followi "That part of section thirty-four in township twe three and section four, and the west half of the no west quarter of section nine, in township num

twenty-two, all in range number six east, lying east of the Wisconsin river, and."

SECTION 31. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 32. This act shall take effect and be in force from and after its passage.

Approved March 13, 1873.

CHAPTER 155.

AN ACT to legalize the official acts of the trustees of the Baptist church in the village of Randolph, in the counties of Columbia and Dodge.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The official acts and proceedings of R. Ilsley, R. H. Walker and Abial Stark, as trustees of the Baptist church of the village of Randolph, in the counties of Columbia and Dodge, in selling and conveying certain real estate belonging to said church, in the year 1868, without application to and obtaining leave from the court, are hereby fully legalized and confirmed, and the deeds executed by said persons during said year 1868, as trustees, are hereby declared to be valid and binding, notwithstanding the provisions of the statutes in reference to the sale of church property may not have been complied with. Official acts as trustees legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1873.

CHAPTER 156.

[*Published March 25, 1873*

AN ACT in relation to the education of children of the cou
poor.

*The people of the state of Wisconsin, represented in sen
and assembly, do enact as follows:*

Shall be deemed residents.

SECTION 1. Whenever any person of lawful sch
age shall be maintained at the public charge, such p
son shall be deemed for school purposes, residents
any school district in which they may habitually li

What amount to be reckoned and allowed.

SECTION 2. In case the person be so maintained by
county, the county board of supervisors shall, for e
year, allow to any district in which such person m
attend school, an amount for each person so attendi
which shall be equal to the amount expended in t
year for each pupil in such district for school purpo
which amount shall be reckoned by the district offic
without reference to the number of pauper childr
attending the school, and in case such person be ma
tained by any town, such town board of supervis
shall allow to any district in which they attend sch
an amount which shall be reckoned in the same m
ner as herein provided in cases where the pupils
maintained by the county.

SECTION 3. This act shall take effect and be in fo
from and after its passage.

Approved March 13, 1873.

CHAPTER 157.

[*Published March 26, 187*

AN ACT to create a board of commissioners of bridges in
county of St. Croix, and to provide that certain bridges the
shall be county bridges.

*The people of the state of Wisconsin, represented in sen
and assembly, do enact as follows:*

Board of commissioners—how constituted.

SECTION 1. There is hereby created a board
commissioners of bridges in the county of St. Cro
which shall consist of three members. That the ch

man of the board of supervisors of said county shall, by virtue of his said office, be one of said commissioners and the chairman thereof, and that the other two commissioners of said board shall be elected by the electors of the county at the regular annual election in November of each year. The pay of said commissioners of bridges shall be such a per diem as the county board of supervisors of said county may determine, but shall not, for per diem, traveling expenses and all things connected with their duties as such commissioners, exceed the sum of one hundred and fifty dollars to any one commissioner in one year.

Their pay.

SECTION 2. That after the passage of this act, and until the next annual November election in said county, the sheriff of said county and the county treasurer shall, together with the chairman of the board of supervisors thereof, constitute such board of commissioners of bridges.

Who to compose first board.

SECTION 3. All of the bridges in said county now built, or which it may become necessary hereafter to build across streams which shall require a span of twenty feet or more, are hereby declared to be county bridges and shall be constructed, erected, repaired and maintained at the expense of said county.

All bridges declared to be county bridges.

SECTION 4. The said board of commissioners shall have charge and control [of] all the county bridges in said county, and it shall be their duty to see that all such bridges as are by this act made county bridges are erected and maintained at such places, and at such times as shall be for the best interest of the public: *provided*, the said board of commissioners of bridges may, upon the application of the town board of supervisors of any town in said county, authorize the said town board to make necessary repairs of any county bridge or bridges in their town, where the public good requires that they be immediately repaired: *provided*, the repairs upon any one bridge in any one year, made as above provided by the town board, shall not exceed the sum of fifteen dollars, which can be chargeable to the county, and the amounts expended by towns in repairs made in this manner shall be first audited by the said board of commissioners of bridges, and then by the county board of supervisors, and paid by the county.

Shall have charge of all bridges.

May authorize town supervisors to make repairs.

Limit of amount of repairs.

SECTION 5. Whenever the town board of supervisors of any town in said county shall determine that there are bridges in their towns needing repairs, or that new bridges need be erected that would by this act be county bridges, they shall notify the chairman of the

Supervisors shall notify commissioners of repairs needed.

board of commissioners of bridges of said county writing thereof, designating the bridges needing rep or the site where new bridge or bridges should, in t judgment, be erected, together with an estimate of cost of such repairs, or the cost of the constructio such new bridge or bridges; and that upon the rec of such notice, the chairman of the board of com sioners of bridges shall, within ten days thereafter, vene said board and lay the matter before them, wh upon they shall personally make a careful inspectio the bridge or bridges claimed by said town boar need repairs, or carefully inspect the site where claimed by said town board that a new bridge bridges should be erected. Thereupon the said missioners shall first determine whether said bridg bridges already erected and needing repairs are bridges as are by this act made county bridges, whether the bridge or bridges which the said t board desire to have erected are such as should this act, be erected by the county, and if said com sioners shall determine that said bridge or bridges n ing repairs, or to be erected, are such as by this act made county bridges, they shall next determine whe the bridges already erected need repairs, and whe it is necessary that new bridges should be erected: *vided*, that in cases where bridges shall be taken a by freshets or ice, they shall be considered and a upon in the same manner as if they were bridge ready erected and needing repairs.

Commissioners to determine whether they are county bridges, and need repairs.

When new bridges are needed, how proceed.

SECTION 6. In case the said commissioners, as vided in the last section, shall determine that bri already erected are such as by this act are made co bridges, and need to be repaired, they shall caus same to be repaired, and in case said commissio shall decide, upon the application of any town b that it is necessary to build a bridge at any sit them designated, and that the bridges needed are as by this act should be erected at the expense of county, they shall make a report thereupon to county board of supervisors, in writing, at their annual [or] special meeting, setting forth the rea which require the construction of such bridge or bri together with an estimate of the cost of the same; county board shall thereupon act upon the same, a the report of the commissioners be adopted by county board of supervisors, the commissioners sh once give public notice for at least two weeks, in a newspaper published in the county, that bids wil received at a certain time and place, for the erec

Shall advertise for bids, and award contracts

and construction of said bridge or bridges, according to specifications to be furnished by said board, and that the job of erecting and constructing the same will be let to the lowest bidder; that upon receiving the bids therefor, the commissioners shall award the contract for he building of said bridge to the lowest responsible idder, who will give satisfactory security therefor, to e approved by the commissioners, for the faithful per-rmance of the work; but in case the board of super-ors shall refuse to adopt the report of the said com-ssioners, no bridge may be erected within one year on the site designated by the bridge commissioners, he expense of the county, but at the expiration of one year, the town board may renew their applica-to said commissioners.

Shall make annual report.

SECTION 7. The said board of commissioners shall re an annual report to the board of supervisors of d county, at their annual meeting in November, of eir doings, with the amount by them expended in ecting, repairing and maintaining county bridges, gether with an estimate of the amount necessary to by them expended during the next ensuing year, d the board of supervisors thereupon shall levy a tax that amount.

Shall levy tax.

SECTION 8. The supervisors of said county shall, their next annual meeting, levy a tax for the amount pended by the commissioners of bridges of said unty, under the provisions of this act, up to the time said next annual meeting.

SECTION 9. All acts and parts of acts inconsistent th the provisions of this act are hereby repealed so r as said acts shall be of any force or effect as to the unty of St. Croix.

SECTION 10. This act shall take effect and be in force om and after the first day of June next.

Approved March 13, 1873.

CHAPTER 158.

[*Published March 26, 1873.*]

AN ACT providing for an abstract of tax sales in Sheboygan county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall make abstract of tax sales.

SECTION 1. It shall be the duty of the county clerk of the county of Sheboygan, state of Wisconsin, to make an abstract of tax sales, and post and note therein all sales made by said county for taxes, commencing with the sale of 1855, and to note in a conspicuous manner all deeds and redemptions, and it shall be the duty of said clerk to procure suitable books for such purposes, to be paid for from the county treasury; and as compensation for such service the said clerk shall be paid the sum of five (5) cents for each tract entered in such abstract in each year, to be paid from the county treasury.

Compensation therefor.

Additional fees for redemptions

SECTION 2. Whenever redemptions are made, or deeds for taxes are executed, the clerk shall add to the fees now authorized by law for the same, the sum of five (5) cents for each tract so redeemed or deeded.

Shall keep up abstract.

SECTION 3. It shall be the duty of the said clerk after the completion of such abstract, to keep up and maintain the same, and he shall receive no other fee for such service than that included in his annual salary.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 159.

AN ACT to authorize C. S. Ogden and others to build and maintain a dam across Little Wolf river in the county of Waupaca.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build and maintain dam.

SECTION 1. C. S. Ogden, his associates, their heirs and assigns are hereby authorized to build and mai

tain a dam across the Little Wolf river on the northeast quarter of section thirty-four (34), in township twenty-four (24), range thirteen (13) east, for a term of fifteen years.

SECTION 2. Such dam may be erected to the perpendicular height of twelve feet: *provided*, that if the said dam shall cause the aforesaid river to overflow the land of any person except the proprietors of such dam, to the injury of the owner or owners thereof, said C. S. Ogden, his associates, their heirs and assigns shall pay in full all damages accruing at any time, in such manner, when such damages shall be determined by due process of law.

Heighth of dam, and damages for overflow of land.

SECTION 3. The said C. S. Ogden, his associates, heirs and assigns shall build suitable slides and gates in said dam, for the purpose of sluicing logs, timber and keep timber over and through said dam, and the same in repair, and shall hold the water for the purpose of sluicing and driving said logs, timber and lumber, and when the case may require, shall be closed for that purpose.

Shall build slides and gates.

SECTION 4. When the said C. S. Ogden, his associates, their heirs or assigns shall have completed said dam aforesaid, they are authorized and empowered to receive and collect from the owner or owners of logs, timber or lumber, passing through such slide or slides, the sum of two cents for each thousand feet of lumber, timber or logs, to be scaled or estimated as the parties may agree, and the said charges shall remain a lien on said logs, timber and lumber until the same are paid.

May receive toll for use of dam.

SECTION 5. The aforesaid C. S. Ogden, his associates, heirs, assigns or authorized agents, shall have full and complete control of said dam, and superintend all driving of logs, timber or lumber through the same.

Shall have full control of logs, etc.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1873.

CHAPTER 160.

[*Published March* 14, 1878.

AN ACT to amend chapter five hundred of the private and lo laws of 1868, entitled an act to consolidate and amend an ac incorporate the city of Madison, and the several acts amendat thereof, approved March 6, 1868, and to declare the true int and meaning of certain provisions therein contained.

The people of the state of Wisconsin, represented in sen and assembly, do enact as follows:

When fiscal year to commence—determination of amount and levy of taxes.

SECTION 1. The fiscal year of the city of Madi shall commence on the first day of September, on wh day, or as soon thereafter as the certificate of the cou clerk, stating the amount of state and county taxes portioned to the city of Madison, shall be received, city clerk shall notify the mayor, who shall cal special meeting of the council as soon as practicab at which meeting, or within five days thereafter, t council shall, by resolution, determine what amount money, including the estimated revenues of the c not derived from direct taxation, for the current fis year, will be required for all city purposes during th year; and the council shall thereupon, by resoluti levy a tax, which together with the tax required to levied for state, county and county school purpo and for delinquent taxes of the preceding year, sh not exceed in amount two per cent. of the asses value of the real and personal property of the city

For bonded debt.

that year. Of the amount so levied, a sum equal six-tenths of one per cent. of the assessed valuation the real and personal property of the city shall be apart and used for the payment of interest and pr cipal on the bonded debt of the city, so long as a

For school purposes.

such debt shall remain unpaid; and a further s equal to four-tenths of one per cent. of the asses valuation of the real and personal property of the c (or such less sum as the board of education may, resolution, determine to be sufficient) shall be set ap and used for the payment of the current and conting expenses of the city schools, and for no other purp

For cemetery purposes.

whatever. And such sum as shall be included in estimates made in pursuance of this section for F est Hill cemetery shall be set apart and used for payment of the expenses of the maintenance of s

For general fund.

cemetery and for no other purpose. And the mainder of the tax levied under the provisions of t

n shall constitute the general fund of the city. solutions for the purpose of levying taxes shall e for their passage an affirmative vote of two- of all members of the common council.

TION 2. The provisions of section two of chapter -two of the private and local laws of the year authorizing the council in cases of emergency or ity to make temporary loans of money for cur- xpenses not exceeding the sum of five hundred s per month during the year 1872, are hereby ex- l for the term of one year from January 1st, 1873, l such loans shall be paid out of the taxes levied year 1873, for general city purposes. Provisions for loan extended.

TION 3. The city treasurer shall charge and col- o fee whatever on any tax paid on or before the lay of January in each year, and upon all taxes fter that day, he shall charge and collect two per fees, to be added to the amount of taxes and col- with the same, but the whole compensation of ty treasurer shall in no case exceed eight hundred s a year, and all fees collected by him exceeding mount shall be paid by him into the general fund city. Fees of the treasurer.

TION 4. It is hereby declared that the true in- nd meaning of section fourteen of chapter seven, apter five hundred of the private and local laws 68, entitled "an act to consolidate and amend an incorporate the city of Madison, and the several mendatory thereof," was and is that five per cent. d be added to the taxes remaining unpaid upon linquent lands and lots returned by the city treas- o the treasurer of Dane county, and said treasurer make his return to the treasurer of Dane county, e taxes so remaining unpaid, adding thereto the er cent. mentioned in this act. Meaning of certain provisions defined.

TION 5. No per diem whatever shall be paid to police officer in the city, except in those cases e the mayor is authorized to appoint special police ection days or other public and unusual occasions, n such cases no such special police shall be paid compensation for such services out of the city ary, unless otherwise ordered by a vote of three- hs of all the members of the common council. Pay of regular and special police.

TION 6. All acts and parts of acts contravening rovisions of this act are hereby repealed.

TION 7. This act shall be deemed a public act, hall take effect and be in force from and after its ge.

pproved March 13, 1873.

CHAPTER 161.

[*Published March 25, 1873*

AN ACT to amend section one of chapter one hundred twenty-six of the general laws for the year 1870, entitled act to define the meaning of the term, 'fire department.'"

The people of the state of Wisconsin, represented in se and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter one hundr and twenty-six of the general laws for the year 1870 hereby amended by adding thereto the words, "o Ripon," and striking out the word, "and" in the tw tieth line thereof, so that when so amended the pro ional portion of said section shall read as follows: "p *vided, however*, that nothing in this act shall be so c strued as relating to the fire departments of the citie Milwaukee, Fond du Lac, La Crosse, Janesville, Ma son, Oshkosh and Ripon."

SECTION 2. This act shall take effect and be in fo from and after its passage and publication.

Approved March 13, 1873.

CHAPTER 162.

[*Published March 26, 1873*

AN ACT for the preservation of cranberries in Burnett cou

The people of the state of Wisconsin, represented in se and assembly, do enact as follows:

Penalty for picking cranberries.

SECTION 1. Any person or persons who shall, any time between the first day of June and fifteen day of September in any year, gather or pick a cranberries off from state or unoccupied lands in t county of Burnett, and secrete, have in possession offer for sale such berries in said county, shall be dee ed guilty of a misdemeanor, and upon convicti thereof shall be punished by fine not exceeding fi dollars nor less than five dollars, with costs of suit.

Possession deemed evidence.

SECTION 2. Possession of unripe cranberries duri the time specified in section one of this act within t county of Burnett shall be deemed *prima facie* evide

of the fact that the person or persons are guilty of a violation of the provisions of the preceding section.

SECTION 3. Any person who shall be convicted of any offense as provided in this act, shall stand committed to the county jail of the proper county until such fine, together with the costs of suit, are paid, or until properly discharged by the probate judge of said county of Burnett, or the justice of the peace by whom said person was committed.

Shall stand committed, after conviction.

SECTION 4. The probate judge of Burnett county may, at his discretion, appoint or deputize (not to exceed five in number) special constables or police for his county, whose special duty it shall be to apprehend and detect any person or persons violating the provisions of this act; and such constables or police are hereby vested with authority to arrest any and all persons in said county of Burnett, or on land adjacent thereto, whom they may find violating any of the provisions of this act, and bring them forthwith before said county judge or any justice of the peace in said county of Burnett, and then and there make complaint on oath as to the guilt of said person or persons under arrest; and for such services said constables or police shall be entitled, in addition to constables' fees (mileage excepted), to the sum of two dollars per day for every day's actual service between the fifth and fifteenth days of September, for which time he may be appointed: *provided*, said constable shall make an affidavit to the actual amount of service performed, and file the same with the clerk of the county board of supervisors, on or before the first day of November next following.

Judge may appoint special police—their duties and authority.

SECTION 5. The county board of supervisors are hereby authorized to audit the accounts of said constables or police appointed under the provisions of this act, in the same manner and at the same time that other county officers' accounts are audited.

Their accounts to be audited.

SECTION 6. Justices of the peace shall have jurisdiction to hear and determine all cases arising under the provisions of this act, and to order said constables to collect any fines levied, and to sell any and all berries by him seized under the provisions of this act, and to make due returns thereof, and to pay over to said justices all fines, together with the proceeds of all sales; and the said justice, after deducting his own fees, shall pay over the balance into the county treasury on or before the first day of November next following.

Justices to have jurisdiction.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 163.

[*Published March* 25, 187

AN ACT in relation to the duties of the county clerk o
county of Polk.

*The people of the state of Wisconsin, represented in s
and assembly, do enact as follows:*

May make county map.

SECTION 1. The county clerk of the county of P
is hereby authorized, by and with the consent of
county board of said county, to make an accurate
complete map of said county of Polk, in chart f
containing all subdivisions of the county, post and p
cipal roads, postoffices, towns, villages, natural feat
and statistics, and to furnish, on demand, a copy th
to each school district in said county, and a suffi
tax shall be levied by each school district to pay
the same, when so ordered: *provided*, said tax shall
exceed the sum of five dollars for each school distr

Shall revise and correct the same.

SECTION 2. Whenever important changes shall
cur, requiring corrections or revision of said map
shall be the duty of the county clerk to issue a circ
to each school district board, describing the same.

SECTION 3. This act shall take effect and b
force from and after its passage and publication.

Approved March 13, 1878.

CHAPTER 164.

[*Published March* 18, 187

AN ACT to incorporate the city of Fort Howard.

*The people of the state of Wisconsin, represented in s
and assembly, do enact as follows:*

CHAPTER I.

BOUNDARIES.

Shall be a municipal corporation.

SECTION 1. All that district of country in
county of Brown, contained within the limits and bo
daries hereinafter described, shall be a city by the n

of Fort Howard, and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a municipal corporation by the name of the city of Fort Howard, and shall have the general power possessed by municipal corporations at common law, and in addition thereto, shall possess the powers herein especially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all the courts of law and equity, and shall have a common seal and alter the same at pleasure. Name and powers.

SECTION 2. The territory lying in the county of Brown, and included within the following limits, shall constitute the city of Fort Howard, to-wit: Bounded on the south by the waters of Green Bay, east by the Fox river, a line running through the center of private claim No. 13, on the west side of Fox river, west by the west line of private claims numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, north half of 13, Dousman's claim and vacant strip, and the west line of private claims numbered 2, 9, 25, 41, 58, 69, 75, 80, 88 and 100 to the late Fort Howard military reservation. City limits.

SECTION 3. The said city shall be divided into three wards, as follows, to-wit: All that part of said city lying north of private claim No. 1 and Desnoyer's addition shall be known and constitute the first ward; all that part of said city between the south line of Dousman's claim and the south line of Arndt's first addition to Fort Howard and the south line of the vacant strip shall be known and constitute the second ward; and all that part of said city between the south half of private claim No. 13, and the waters of the first slough and the north line of private claim No. 2 shall constitute and be known as the third ward. Division into wards.

CHAPTER II.

ELECTIONS.

SECTION 1. The annual election for city and ward officers shall be on the first Tuesday in April in each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until sundown, and ten days' previous notice shall be given by the common council of the time and place of holding such election and of the city and ward officers to be elected. Time and place of annual election.

Elective and other officers.

SECTION 2. The elective officers of said city s
be a mayor, treasurer and assessor for the city at la
three aldermen, one supervisor, one justice of the p
and one constable for each ward. All other offi
necessary for the proper management of the affai
said city shall be appointed by the common cou

Term of office.

All elective officers except justices of the peace sh
unless otherwise provided, hold their respective of
for one year, and until their successors are ele
and qualified: *provided, however*, the common cou
shall have power, for due cause, to expel any of t
own number, and to remove from office any office
agent under the city government, due notice being
given to the officer complained of. The justices of
peace shall hold their offices for two years, and u
their successors are elected and qualified.

How vacancies filled.

SECTION 3. Whenever a vacancy shall occur in
office of mayor or alderman or justice of the pe
such vacancy shall be filled by a new election, w
shall be ordered by the common council, within
days after such vacancy shall occur. Any vaca
happening in any other office shall be filled by
common council. The person elected or appointe
fill any vacancy shall hold his office and discharge
duties thereof for the unexpired term, and with
same rights and subject to the same liabilities as
person whose office he may be elected or appointe
fill.

Elections by ballot—tie vote.

SECTION 4. All elections by the people shall be
ballot, and plurality of votes shall constitute an elec
When two or more candidates for an elective o
shall receive an equal number of votes for the s
office, the election shall be determined by the castin
lots in the presence of the common council, at s
time and in such manner as they shall direct.

Qualifications for office and for suffrage.

SECTION 5. All officers provided for in this
either for election or appointment, shall be at l
twenty-one years old, citizens of the United St
and shall have resided at least one year in said
next before their election or appointment. All
sons entitled to vote for county or state officers
who shall have resided in the city for three months
vious to the election, and for ten days within the w
where they offer to vote, shall be entitled to vote
any officer entitled to be elected under this law.

How election to be held, and how conducted.

SECTION 6. The elections in said city shall be h
and conducted by the aldermen of each ward, w
shall be the inspectors of elections in their respec

ds; and shall take the usual oaths or affirmations as
cribed by the general laws of this state, to be taken
the judges and inspectors of elections, and shall
e the power to appoint clerks of such elections, and
dminister the necessary oaths, and in case of the ab-
e of any or all of the aldermen of the ward at the
e for opening the polls, the voters present shall
ct some person or persons to act in their place as in-
tors of election. Said election shall be held and
ducted in the same manner and under the same
alties, and vacancies in the board of inspectors
eof filled as required by the laws of this state re-
ling elections.

ECTION 7. If either of the inspectors shall suspect any person offering to vote does not possess the ifications of an elector, or if such vote be chal-ed by an elector, the inspectors, before receiving vote of any such person, shall require him to take following oath: "You do solemnly swear (or n, as the case may be) that you are twenty-one s of age, and that you are a citizen of the United es (or have declared your intentions to become a en, conformably with the laws of the United States e subject of naturalization); that you have resided n the state of Wisconsin one year, within this city months, and within this ward ten days next pre-g this election, and that you have not voted at this ion, and that you have made no bet or wager, ecome directly or indirectly interested in any or wager depending on the result of this elec-;" and if the person offering to vote shall such oath, his vote shall be received; and if person shall take such oath falsely, he shall be ed guilty of willful and corrupt perjury, and upon iction thereof upon indictment or information, suffer the punishment provided by law for persons y of perjury. If any person who is not a qualified shall vote at any election or if any person duly qual-shall vote in any other ward than the one in which esides, or shall vote more than once at any one ion, he shall be liable to indictment or information on conviction thereof, shall forfeit and pay m not exceeding one hundred dollars, nor less twenty-five dollars. It shall be the duty of inspectors to keep a list of the names of all per-s whose votes may be challenged as aforesaid, and o shall swear in their votes. And if any inspector ll knowingly and corruptly receive the vote any person not authorized to vote, or shall make

Challenge of voters.

Form of oath.

Punishment for perjury.

For illegal voting.

Shall keep list of challenged voters; penalty for malfeasance of inspectors.

out false returns of an election, or if any cl
shall not write down the name of every voter as
votes, or shall willfully make untrue and incorr
counts and tallies of votes, each and every inspector
clerk shall be liable to indictment or information, a
on conviction thereof shall forfeit and pay a sum not
ceeding five hundred dollars, nor less than one hu
dred dollars. All such indictments or informati
shall be tried in the circuit court of Brown county.

The counting, return and canvass of votes.

SECTION 8. When an election shall be closed, and
number of votes for each candidate or person voted
shall be counted and ascertained, the said inspect
shall make a return thereof, stating therein the num
of votes for each person for each and every office, a
shall deliver or cause to be delivered, such ret
to the city clerk, within three days after any electi
The common council shall, on the Tuesday follow
such election, meet and canvass said returns, and
clare the result as it appears from the same, and
city clerk shall forthwith give notice to each per
elected of his election.

Special elections.

SECTION 9. Special elections to fill vacancies
for any other purpose, shall be held and conducted
the aldermen in each ward in the same manner
returns thereof shall be made in the same form
manner as general and annual elections and wi
such time as may be prescribed by ordinance.

Removal of officers from city or ward.

SECTION 10. Any officer removing from the c
or any ward officer removing from the ward
which he is elected, and any officer who shall neg
or refuse for ten days after notice of his electio
appointment, to enter upon the discharge of the du
of his office, shall be deemed to have vacated his of
and the common council shall proceed to fill such
cancy as herein provided.

Election and classification of aldermen.

SECTION 11. There shall be elected at the
election under this act, one alderman for each w
who shall hold his office for three years; one alder
in each ward who shall hold his office for two years,
one alderman in each ward who shall hold his o
for one year, and thereafter at each annual elec
one alderman in each ward, who shall hold his o
for three years; there shall each year also be ele
a supervisor for each ward, to represent the city in
county board of supervisors, who shall hold his o
one year.

The ballot.

SECTION 12. The votes for aldermen and all o
elective officers shall be on one ballot, and shall be
posited in one ballot.

SECTION 13. At the first election aforesaid, there shall be written or printed or partly written and printed at the head of the votes for alderman for three years, the words, "alderman for three years," at the head of alderman for two years, the words, "alderman for two years," and at the head of the votes for alderman for one year, the words, "alderman for one year." Ballots for aldermen.

SECTION 14. All the borough and ward officers of the borough of Fort Howard shall hold their respective offices until their successors shall be elected or appointed under this act; and the term of every officer elected under this act shall commence the second Tuesday of April of the year for which he was elected, and shall, unless herein otherwise provided, continue for one year, and until his successor is elected and qualified. Present officers to hold over.

SECTION 15. All duties herein required of the borough council in regard to elections shall be performed, so far as may be necessary, by the present borough council in regard to the first election and the organization of the city government under this act. To apply to present council.

SECTION 16. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, A. D. 1873. The election of justices of the peace shall be held at the same time and place, and so every two years thereafter; and the justices of the peace now residing in the borough of Fort Howard shall hold their offices until their terms of office expire, in addition to any justices who may be elected under this act. The first election under this act.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officers taking the same, with the clerk of the city; and the treasurer, clerk marshal, constable, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Fort Howard a bond, with at least two sureties, who shall swear that they are worth in the aggregate, the penalty specified in said bond, over and above all debts and exemptions, and said bonds Shall take oath of office. Certain officers shall execute bonds.

shall contain such penal sum and such conditions
the common council may deem proper; and they m
from time to time, require new additional bonds, and
move from office any officer refusing or neglecting
give the same.

Powers and duties of the mayor.

SECTION 2. The mayor shall, when present, p
side over the meetings of the common council, a
take care that the laws of the state and the ordinanc
of the city are duly observed and enforced, and th
all other executive officers of the city discharge the
respective duties. He shall, from time to time, gi
the common council such information and recomme
such measures as he may deem advantageous to t
city. The mayor shall be the chief executive offic
and head of the police of the city, and in case of a ri
or other disturbance, or apparent necessity, he may a
point as many special or temporary constables as
may deem necessary. The mayor shall have a vo
only in case of a tie. The mayor shall have power
veto any ordinance or resolution passed by the co
mon council, by notifying the common council of h
objections thereto, at any time within seven days aft
the passage of such ordinance or resolution. In ca
of no session of the council on any day after the pa
sage of the same, and before the expiration of the sa
seven days, such notification shall be made by fili
with the city clerk a copy of his objections; and in ca
the council shall not, within one week after the rece
of such objection, or such filing with the clerk, re-en
such ordinance, or pass such resolution, by the vo
of two-thirds of the aldermen elect, the same shall
null and void. No ordinance or resolution shall ta
effect until one week after the passage of the same, u
less sooner approved in writing by the mayor or acti
mayor for the time being.

President of the council—his election and duties.

SECTION 3. At the first meeting of the common coun
in each year, they shall proceed to elect by ballot, one
their number as president, and in the absence of t
mayor, the said president shall preside over the me
ings of the common council, and during the absence
the mayor from the city, or his inability for any reason
discharge the duties of his office, the said president sh
exercise all the powers and discharge all the dut
of the mayor, except the signing of city bon
In case the mayor and president shall be absent
any meeting of the common council, they shall pr
ceed to elect a temporary presiding officer who sha
for the time being, discharge all the duties of mayo
The president, or temporary presiding officer, whi

iding over the board, or performing the duties mayor, shall be styled acting mayor, and acts per- ned by them shall have the same force and val- y as if performed by the mayor, except the sign- of city bonds; and the said common council shall at their first meeting in each year, elect a clerk marshall for the city, who shall hold their respec- offices for the term of one year, and until others elected and qualified.

CTION 4. The clerk shall keep the corporate seal and ne papers and records of the city, and keep a record of proceedings of the common council, at whose meet- it shall be his duty to attend; and copies of all pa- filed in his office and transcripts from the records of common council, certified by him to have been com- d by him with the original, and to be a correct script therefrom, under the corporate seal, shall be ence in all courts in like manner as if the original e produced. He shall draw and countersign all rs on the treasury, in pursuance of any order or lution of the common council, and keep a full and rate account thereof, in books provided for that ose. He shall file in his office all chattel mort- s presented to him for that purpose, and the re- als thereof, and safely keep the same, receiving efor the same compensation as clerks of towns, and hattel mortgages so filed and the renewals thereof, be as valid and legal as if the same had been filed e town clerk's office of any town. The clerk shall power and authority to administer oaths or affirma- . **Duties of the city clerk.**

CTION 5. The justices of the peace elected under act shall have the same jurisdiction and perform ne duties of the justices of the peace, and shall ify in the same manner as provided by the general of this state, except that the official bonds or ements shall be approved by a majority of the mon council; and in addition thereto, they shall jurisdiction in all cases arising under this act, and rdinances, resolutions and by-laws passed by said council unless otherwise provided. All constables ed by virtue of this act shall have and exercise ame powers and duties, and be subject to the same lities as constables of towns. **Justices of the peace—their duties and jurisdiction.** **Constables.**

CTION 6. The treasurer of said city shall perform duties and exercise such powers as may be law- required of him by the ordinances of said city, or aws of this state. All moneys raised, received, recov- or collected by means of any tax, license, penalty, **Duties of the treasurer.**

fine, forfeiture or otherwise, under the authority of
act, or which may belong to the said city, shall be
into the city treasury, and shall not be drawn there
except by an order issued by order of the common co
and signed by the mayor, and countersigned or att
by the clerk. He shall keep an accurate account
moneys or other things coming into his hands as t
urer, in a book to be provided for that purpose, w
shall remain the property of the city, wherein he
note the time when, and the person from whom
amount of the several sums was received, which b
shall at all reasonable times, be open to the inspe
of any person. He shall, every three months, an
often as the common council require, render to
council a minute account of the receipts and exp
tures of his office, and at the expiration of his offi
shall hand over to his successor all moneys, b
papers and property in his possession belonging to
city. The said treasurer shall also be a collect
taxes, and for his services receive the same comp
tion except as herein otherwise provided, and he
have the same powers and be subject to the same
bilities, and be governed by the same laws as treas
of towns, and shall be ineligible for more than two t
in succession.

Powers and duties of the marshal.

SECTION 7. The marshal shall attend all the
ings of the common council, and shall perform
duties as shall be prescribed by the council fo
preservation of the public peace, and collection
cense moneys and fines. He shall possess all the
ers of constables of towns, and be subject to the
liabilities. It shall be his duty to execute and r
all writs and processes to him directed, and when n
sary in criminal cases, or for the violation of any
nance of said city or law of the state, may pursue
serve the same in any part of the state. It sha
his duty to suppress all riots, disturbances and bre
of the peace, and to remove all obstructions in
streets and alleys of said city, and to abate all nuis
in the city; to apprehend any person in the act of
mitting any offense against any ordinance of said
or laws of this state, and, within reasonable time, b
such persons before competent authority for exa
tion; and for such services he shall receive such
as are allowed to constables for like services. He
have power to appoint one or more deputies, t
approved by the city council, but for whose official
he shall be responsible, and of whom he may re
bonds for the faithful discharge of their duties.

ECTION 8. The common council shall have power time to time to require other and further duties to performed by any officer whose duties are herein cribed, and to appoint such other officers as may be ssary to carry into effect the provisions of this act, to prescribe their duties, and to fix the compensa- of all officers elected or appointed by them; such pensation shall be fixed by resolution at the time office is created, or at the commencement of the , and shall not be increased or diminished during erm such officer shall remain in office, or for which as elected or appointed.

The council may require other and further duties.

ECTION 9. The common council, at their first ting in each year, as soon thereafter as may be, l designate one or more newspapers printed in city in which shall be published all ordinances other proceedings and matters required by this or by the by-laws or ordinances of the common ncil to be published in a public newspaper, which ting and publishing shall be let by contract to the est bidder or bidders.

Shall designate official newspaper.

ECTION 10. The city printer or printers, immedi- after the publication of any notice, or ordinance esolution or by-law, which by this act is required e published, shall file with the clerk of the city a of such publication, with his or their affidavit or ffidavit of his or their foreman of the length of the same has been published, and such affidavit l be conclusive evidence of the publication of such e, ordinance, by-law or resolution, and the clerk l file the same in his office.

Proof publication.

ECTION 11. If any person having been an officer id city, shall not, within ten days after notification request, deliver to his successor in office all prop- books, papers and effects belonging to said city, ertaining to the office he may have held, he shall it and pay to the use of the city, one hundred dol- besides all damages caused by his neglect or re- l to so deliver; and such successor may recover possession of such books, papers and effects in the ner prescribed by the laws of this state.

Shall deliver property, books, etc., to successor in office.

ECTION 12. No alderman shall be a party to, or rested in any job or contract with the city or any e wards; and any contract in which any alderman be so interested shall be null and void; and in any money shall have been paid on any such con- t the common council may sue for, and recover the ount so paid, from the parties to such contract and alderman interested in the same.

Aldermen not to be interested in contracts.

Peace officers—their powers and duties.

SECTION 13. The mayor or acting mayor, she of Brown county, each and every alderman, justice the peace, marshal, under sheriff, and deputy sheri Brown county, constables, policemen and watchm shall be officers of the peace, and may command peace, and suppress in a summary manner all riot and disorderly behavior within the limits of the ci and for such purposes may command the assistance all by-standers, and if need be, of all citizens and m tary companies. And if any person, by-stander, milit officer or private shall refuse to aid in maintaining peace when so required, every such person shall for and pay a fine of fifty dollars; and in case where civil power may be required to suppress riots or di derly behavior, the superior or senior officer presen the order mentioned in this section shall direct the ceedings.

City surveyor—his duties.

SECTION 14. There may be elected by the comm council, a city surveyor, who shall be a practical veyor and engineer. He shall keep his office at s convenient place within said city, and the comm council shall prescribe his duties and fix the fees compensation for any services performed by him. surveys, profiles, plans or estimates made by him the city or either of the wards, shall be the propert the city, and shall be carefully preserved in the o of the surveyor, open to the inspection of parties in ested, and the same, together with all books and pa appertaining to said office, shall be delivered ove the surveyor at the expiration of his term of offic his successor or the common council.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS DUTIES.

The council and their ordinances.

SECTION 1. The mayor and aldermen shall co tute the common council, and the style of all ordina shall be, "the mayor and common council of the cit Fort Howard, do ordain," etc. The common council meet at such time and place as they by resolution direct. A majority of the aldermen shall constitu quorum.

Their annual and stated meetings.

SECTION 2. The common council shall hold their meeting in each year on the Thursday succeeding second Tuesday of April, and thereafter stated m ings, at such times as they shall appoint, and mayor may call special meetings by notice to eac

nembers, to be served personally, or left at their l places of abode. The common council shall de- ne the rules of its own proceedings, and be the judge election and qualification of its own members, and the power to compel the attendance of absent ers.

TION 3. The common council shall have the man- nt and control of the finances, except school mon- nd of all the other property of the city; and shall se, in addition to the power herein vested in them, full power and authority to make, enact, ordain, ish, publish, enforce, alter, modify, amend and all such ordinances, rules, resolutions and by- or the government and good order of the city, for ppression of vice, for the prevention of crime, and benefit of the trade, commerce and health thereof, y shall deem expedient, declaring and imposing ies, and to enforce the same against any person sons who may violate any of the provisions of rdinances, rules or by-laws, and such ordinances, and by-laws are hereby declared to be and have rce of law: *provided*, that they be not repugnant constitution and laws of the United States or of ate; and for these purposes shall have authority, linance, resolution or by-laws,

Their general and special powers.

To license, regulate, suppress and prohibit the ition of common showmen or shows of any kind, exhibition of caravans, circuses or theatrical per- nces, billiard tables, bowling saloons, nine or ten- leys, and to provide for the abatement and re- of all nuisances, under the ordinances of said city, ws of the state, or at common law, and may licenses for and regulate groceries, taverns, vict- houses, and all persons vending or dealing in ious, vinous or fermented liquors, and may pro- and suppress the same: *provided*, that the license dealing in or vending spirituous, vinous or fer- d liquors shall not be less than twenty-five dol- r more than three hundred dollars, which license be paid into the general fund of the city, and that sh licenses hereafter granted shall run from the ay of May in each year: *provided, however*, that any such license may be applied for after that the same may be granted, to expire on the first of May thereafter, on the applicant paying pro herefor, but no license shall be granted for a r period than one year.

To license shows and the sale of liquors.

To restrain, prohibit and suppress all descrip- of gambling and fraudulent devices and practices,

Restrain gaming.

and all playing of cards, dice or other games of c
with or without betting, and restrain, prohibit an
press any person or persons from vending, giving
or dealing in spirituous, fermented or vinous liquo
less duly licensed by the common council, and
cense, regulate and suppress hawkers and peddle

Prevent riots.

3d. To prevent any riots, noise, disturbance
orderly assemblages, suppress and restrain diso
houses or groceries, and houses of ill-fame, and to a
ize the destruction of all instruments used for th
pose of gaming.

Suppress nauseous places.

4th. To compel the owner or occupant of an
cery, cellar, tallow-chandler's shop, soap factor
nery, stable, barn, privy, sewer or other unwhol
or nauseous house or place, to cleanse, remove o
the same from time to time, as often as it m
necessary for the health, comfort and convenie
the inhabitants of said city.

Locate markets, etc.

5th. To direct the location and managem
slaughter-houses and markets, and to establish
for and license venders of gunpowder, and re
the storage, keeping and conveying of gunpow
other combustible materials.

Prevent incumbering of streets.

6th. To prevent the encumbering of streets
walks, lanes or alleys with railroad cars, locom
engine or engines, carriages, carts, wagons, s
boxes, lumber, pine wood, or any other materials o
stances whatever.

Prevent horse-racing.

7th. To prevent horse-racing, immoderate rid
driving in the streets, and to regulate the places o
ing and swimming in the waters within the lim
said city.

Horses, cattle, etc.

8th. To restrain the running at large of
horses, swine, sheep, poultry and geese, and to a
ize the distraining of the same.

Restrain dogs.

9th. To prevent the running at large of dog
to authorize the destruction of the same in a sum
manner, when at large contrary to the ordinance

Prevent deposit of putrid carcasses.

10th. To prevent any persons from bringing,
iting or having within said city, any putrid carc
other unwholesome substances, and to require t
moval of the same by any person who shall have
his premises any such substance, putrid or un
beef, pork, fish, hides, skins or substances of any
and in default to authorize the removal there
some competent officer, at the expense of such p
or persons.

th. To make and establish public pounds, pumps, s, cisterns and reservoirs, and to provide for the ion of water works for the supply of water to the bitants; to erect lamps, and to regulate, license suppress omnibus drivers, hackmen, coachmen, nen, draymen, and the charges of hackmen, coach- omnibus drivers, cabmen, cartmen, draymen, and thers who may pursue like occupations in this and to provide for lighting the streets, public nds and public buildings, with gas or otherwise. Establish pounds, etc., and license draymen.

th. To establish and regulate boards of health, ide hospitals and cemetery grounds, regulate the l of the dead and the return of the bills of mor-, and to exempt burial grounds, set apart for pub-e, from taxation. Boards of health.

th. To regulate the size and weight of bread, o provide for the seizure and forfeiture of bread l contrary thereto. Weight of bread

h. To prevent all persons riding or driving any nule, horse, cattle or other animal on the side- in said city, or in any way doing any damage to idewalks. Prevent driving on sidewalks.

h. To prevent the shooting of firearms or crack- nd to prevent the exhibition of any fireworks in ituation which may be considered by the council rous to the city or any property therein, or annoy- any citizen thereof. Shooting of firearms.

h. To restrain drunkenness or obscenity in the s or public places, and to provide for arresting, ving and punishing any person or persons who be guilty of the same. Restrain drunkards.

h. To restrain and regulate runners and solicit- or boats, vessels, stages, public houses or other lishments, and to establish and regulate the police e city. Runners.

th. To establish public markets and make rules egulations for the government of the same; to int suitable officers for overseeing and regulating markets, and to restrain all persons from inter- ng or interfering with the due observance of such and regulations. Establish markets.

th. To license and regulate butchers' stalls, shops stands for the sale of game, poultry, butchers', butter, fish and other provisions. License stalls.

th. To regulate the place and manner of weigh- nd selling hay, and measuring and selling fuel and and to appoint suitable persons to superintend conduct the same, and to appoint fish inspectors Regulate weighing of hay.

as herein provided, and to appoint a lumber and
gle inspector.

Removal of obstructions from sidewalks.

21st. To compel the owners and occupants of l
ings and grounds to remove snow, dirt or rubbish
the sidewalks, streets or alleys opposite thereto, a
compel such owner or occupant to remove from th
owned or occupied by him, all such substances a
board of health shall direct, and in his defau
authorize the removal or destruction thereof by
officer of the city, at the expense of such own
occupant.

Construction of piers.

22d. To regulate the construction of pie
wharves, extending into Fox river, within the lim
said city.

Prevent contagious diseases.

23d. To regulate, control and prevent the lan
of persons from boats or vessels, wherein are conta
or infectious diseases or disorders, and to make such
position of such persons as to preserve the heal
said city.

24th. To regulate the time, place and mann
holding public auctions or vendues.

Appoint watchmen.

25th. To appoint watchmen and prescribe
duties.

Regulate weights and measures.

26th. To provide by ordinance for a standar
weights and measures, and for the punishment o
use false weights and measures.

Trees and monuments.

27th. To protect trees and monuments in said

Sewers.

28th. To prescribe and regulate the constructi
sewers within said city.

Lay out streets.

29th. To lay out, make, open, keep in repair,
or discontinue any highways, streets, lanes and al
and to keep them free from incumbrances and to
tect them from injury.

Change name.

30th. To alter or change the name of any stre
the city.

Establish wharf and dock lines.

31st. To establish wharf and dock lines upon
banks of Fox river and the sloughs within said city,
restrain and prevent encroachment upon said rive
sloughs, and obstructions thereto; and to construc
ter or maintain, or cause to be constructed, altered
maintained, at the expense of the city or either w
wharves at the foot of the streets along the bank
said river or sloughs.

Provide for holding police court.

32d. The common council shall have power to
vide for the holding of a police court in said city,
shall, in the month of April next, and biennially th
after, designate one or more justices of the peac
said city, who shall have exclusive jurisdiction as

f the peace for two years, or until his or their ors are appointed, in all actions for the recovery penalty or fine, under all laws of said city, and inances, by-laws or police regulations thereof. any vacancy occur, it shall be filled by the n council, but the person so appointed shall for the unexpired term only.

The police justice.

The said justice of the peace so designated, be styled "police justice," and shall hold a po- urt in said city, at such place as the said com- council shall designate.

The passage, amendment and repeal of ordinances.

To make, ordain, amend and repeal all such nces, by-laws and police regulations, not contrary constitution of this state, for the good order and nment of the city, and which may be necessary edient to carry into effect the powers vested in ayor and common council, or any officer of said y this act or which may be vested in any officer d city by any ordinance thereof.

All appropriations, ordinances etc., to be passed by an affirmative vote and to be approved by mayor.

TION 4. All laws, ordinances, regulations and s shall be passed by an affirmative vote of a ma- of the common council; and shall be signed by ayor, and shall, within fifteen days after their pas- espectively, be published in the official paper or of said city once before the same shall be in force, thin fifteen days thereafter, they shall be recorded city clerk in books to be provided for that e; but before any of said laws, ordinances, regu- or by-laws shall be recorded, the publication , respectively, within the said time, shall be by the affidavit of the foreman or publisher of ewspaper, and said affidavit shall be recorded ith, and at all times shall be deemed and taken lcient evidence of the time and manner of such ation, and such record of such law, ordinance, tion or by-law, and the proof of publication f aforesaid, or a transcript of such record certi- y the clerk, under the seal of the city, or any d book containing the same, purporting to have published under the sanction of the mayor and il, shall be *prima facie* evidence of the due pas- and publication of such law, ordinance, regula- or by-law. No appropriation shall be made with- vote of a majority of the members of the common cil in its favor, which vote shall be taken by ayes noes, and entered in the proceedings of the coun-

Abatement of nuisances at common law not barred by this act.

SECTION 5. The powers conferred upon said co to provide for the abatement or removal of nuis shall not bar or hinder suits, prosecutions or pro ings in the courts according to law. Depots, hous buildings of any kind wherein more than ten po of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill fame, disor taverns and houses or places where spirituous, vi or fermented liquors are sold without the licens quired therefor, within the limits of said city, are by declared and shall be deemed public or com nuisances.

Examination, adjustment and allowance of accounts.

SECTION 6. The council shall examine, audit adjust the accounts of the clerk, treasurer, street mmissioners of each ward, marshal, and all officers or agents of the city, at such time as may deem proper, and also at the end of each and before the time for which the officers o said city are elected or appointed shall have exp And the common council shall require each every officer and agent to exhibit his books, f and moneys, accounts and vouchers for such exan tion and settlement, and if any such officer or a shall refuse to comply with the orders of said c cil in the discharge of his said duties, in pu ance of this section, or shall neglect or refus render his accounts or present his books, funds, mo and vouchers to said council, it shall be the du the common council to declare the office of such son vacant; and the common council shall order and proceedings at law against any officer or age said city who may be found delinquent or defau in his accounts or in the discharge of his o duties, and shall make a full record of all adjustn and settlements.

May issue city bonds.

SECTION 7. The common council of said city not have power to issue any bonds or other evi of debt payable at a day subsequent to the date o issue thereof, except in cases specially authoriz law, nor shall the common council issue in an year orders upon the city treasury to an amount gr than the amount of taxes which may be levied u the provisions of this act.

CHAPTER V.

FINANCE AND TAXATION.

CTION 1. All funds in the treasury, except l, state and county funds, shall be under the con- f the common council, and shall be drawn out the order of the mayor and clerk, duly authorized vote of the common council; and all orders n upon the treasurer shall specify the purpose for n they were drawn, and shall be payable generally f any fund in the treasury belonging to the city. orders shall be receivable for all city taxes, except l and special taxes for school purposes, and ex- taxes levied for the payment of the principal or est of any outstanding bonds of the borough of Howard or said city, which shall be collected in ey or in orders drawn upon such fund respectively, all orders shall be payable to the persons or to the r of the persons in whose favor they may be drawn, earer.

Control of city funds.

City orders—for what receivable.

ECTION 2. The common council of said city shall ually levy upon the taxable property of the city, efray the current expenses of the city, a tax not ex- ing one-half of one per cent., and for all other pur- s, except for schools, bridges and the payment of cipal and interest of any outstanding bonds, debts bligations of said city or the borough of Fort ard, a tax not exceeding one-half of one per cent. n all the taxable property of said city.

Annual levy of taxes.

SECTION 3. Whenever it shall be necessary to ild or repair bridges, a special tax may be levied uch purpose, not exceeding two thousand dollars ny one year, and the said taxes when so levied, l be collected at the same time as other city taxes collected.

Special bridge tax.

ECTION 4. Special taxes may also be levied by the council at any regular meeting, for the purpose of ing the interest and principal of any outstanding ds now due or hereafter to become due, issued by borough or city of Fort Howard or which may here- er be issued by said city, by authority of law: *pro- ded, however*, no greater tax shall in any one year be vied than shall be necessary to pay the amount which all be due on such bonds at the time such tax shall e collectable by virtue of this act, or shall become ue before the time appointed by law for assessing and wying the annual taxes; and when so levied shall be

For interest and principal on bonds.

collected at the same time as other city taxes are
lected.

Accounts to be verified.

SECTION 5. No account shall be allowed b
common council unless the same is verified b
owner thereof, or some person in his behalf.

If account is disallowed, claimant may appeal.

SECTION 6. When the claim of any person a
the city shall be disallowed, in whole or in part, b
common council, such person may appeal from th
cision of such council to the circuit court for the co
of Brown, by causing a written notice of such a
to be served on the clerk of the city within thirty
after the making of such decision, and executi
bond to said city, with sufficient surety, to be app
by the city clerk, county judge or court commiss
conditioned for the faithful prosecution of such a
and the payment of all costs that shall be adj
against the appellant by the court.

Notice of appeal and return of proceedings.

SECTION 7. The city clerk, upon such appeal
taken, shall immediately give notice thereof t
mayor and common council, or shall take such
ures as by ordinance or resolution of said co
council he may be required to do, and shall mak
a brief return of the proceedings in the case b
said council, with their decision thereon, and sha
the same, together with the bond and all the pap
the case in his possession, with the clerk of the c
court for the county of Brown, and such appeal
be entered, tried and determined in the same man
appeals from justices of the peace, and costs
thereupon be awarded in like manner: *provided, h*
er, that whenever an appeal is taken from the allo
made by said common council upon any claim, a
recovery upon such appeal shall not exceed the a
allowed by said council, exclusive of interest
such allowance, the appellant shall pay the cost
peal, which shall be deducted from the amount
covery; and when the amount of costs exceed
sum recovered, judgment shall be rendered again
pellant for the amount of such excess.

Limit of amount of recovery.

Actions against city.

SECTION 8. No action shall hereafter be maint
by any person against the city of Fort Howard,
any claim or demand other than a city bond or
unless such person shall first have presented his
to the common council of said city.

Determination of council to be conclusive.

SECTION 9. The determination of the common
cil disallowing in whole or in part, any claim o
person, shall be final and conclusive, and a per
bar to any action in any court founded on such

ess an appeal shall be taken from the decision and ermination of such common council as hereinbefore vided, or unless such council shall consent and ee to the institution and maintenance of an action such claimant against the city: *provided, however,* t when the common council shall refuse or neglect act upon any claim duly presented to them, this pter shall not be so construed as to prevent the in- ution and maintenance of an action by said claimant inst said city.

CHAPTER VI.

OPENING OF STREETS AND ALLEYS.

Proceedings for laying out streets, public squares, etc.

SECTION 1. The common council shall have power lay out public squares, grounds, streets and alleys, l to widen the same, as follows: Whenever ten or re freeholders residing in any ward shall, by peti- n, represent to the common council that it is neces- y to take certain lands within the ward where such itioners may reside for public use, for the purpose of ing out public squares, grounds, streets or alleys, or enlarging of the same, the courses and distances, tes and bounds proposed to be taken, together with names and residences of the owners of such premises e same shall be known to such petitioners, to be set h in such petition, the common council shall there- n cause notice of such application to be given to occupant or occupants of such lands, if any there or if any portion of said lands shall not be in actual pation of any person, then the common council l cause such notice, describing, as near as may be, premises proposed to be taken, to be published in official paper or papers four weeks successively, at t once a week.

What notice to contain.

SECTION 2. Such notice shall state that upon a day rein to be named, not less than ten days from the vice of such notice, or the expiration of such publi- ion, as the case may be, application will be made to e county judge or court commissioner for the county Brown, for the appointment of twelve jurors to view aid premises, and to determine whether it will be neces- ary or take the same for the purpose specified in said petition.

Judge shall appoint jurors to view premises.

SECTION 3. Upon the presentation of such appli- cation, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve rep-

utable freeholders, residents of said city, but residents of the ward in which such premises be, nor interested in the result of such applica The said judge or court commissioner shall th upon issue his precept, directed to said jurors, quiring them within ten days to view the premise be specified in said precept, and to make returns u their hands to the common council whether, in t judgment, it is necessary to take said premises for purposes specified in such application, and the said ors, before entering upon the discharge of their du shall take and subscribe an oath faithfully and im tially to discharge their duties as jurors in the pr ses, which oath may be administered by any person thorized to administer oaths, which shall be filed in office of the city clerk.

Service and return of precept.

SECTION 4. The city marshal shall serve his cept immediately on the jurors therein named, by r ing the same to every one of them that can be fou and immediately after such service, he shall return said precept to the judge or court commissioner issued the same, together with his doings thereon.

Judge shall fill vacancies.

SECTION 5. If any of the jurors so appointed not be found, or shall be disqualified from acting shall refuse to act, the judge or court commissio shall appoint others in their places, and a me randum of such substitution shall be endorsed on precept.

Shall administer oaths.

SECTION 6. The said judge or court commissio or any justice of the peace, shall thereupon admini an oath to said jurors, that they are freeholders of city, and not interested in the premises proposed t taken, and that they will faithfully and impartially charge the trust reposed in them.

Shall view premises and make report.

SECTION 7. The said jurors, at such time as shall agree upon, shall proceed in a body to view premises in question, and shall hear such testimon shall be offered by any party interested, which t mony shall be reduced to writing by one of the jur and either of the jurors shall be authorized to admini the necessary oaths to witnesses. After viewing premises in question, and hearing such testimony may be offered, the jurors shall make a report of th proceedings, which shall be signed by them respe ively, and which shall state whether, in their judgme it is necessary to take the premises in question for t public use, which said report, testimony and proce shall be returned to the common council within

ime limited in said precept. Should the jurors report hat it is necessary to take the premises, the common ouncil shall enter an order among their proceedings onfirming said report, and directing the same jurors, ithin twenty days thereafter or such further time as all be necessary, to again view said premises for the urpose of ascertaining and determining the amount of e damages to be paid the owner or owners of said prop- ty proposed to be taken, and to assess and return, thin the time limited, such damages to the common uncil. And after the jury shall have made their re- rt as to the taking of any lands or premises under s act, and the same shall have been confirmed, the mmon council shall have power to appoint new rors, in the place of any who shall neglect or refuse serve, in ascertaining the amount of compensation as ove; and all the jurors, before entering upon the dis- arge of their duties in the premises, shall severally e an oath before some competent officer, that they freeholders in said city, and are not interested in the mises to be taken, and that they will faithfully and artially discharge the trust reposed in them.

Confirmation of report and order to again view premises.

May appoint new jurors.

SECTION 8. If there should be any building in le or in part, upon the land to be taken, the jurors, re proceeding to make their assessment, shall first mate and determine the value of such building to owner, aside from the value of the land, and the ry to him in having such building taken from him; , secondly, the value of such building to him to ove.

Value of buildings to be determined.

SECTION 9. At least ten days' personal notice of h determination shall be given to the owner or his ent, if known, and a resident of the city, or left at usual place of abode. If not known, or a non- ident, notice to all parties interested shall be given publication in the official paper or papers of said three successive weeks. Such notice shall specify building and the award of the jurors. It shall re- e the parties interested to appear by a day therein ed, or give notice of their election to the common ncil, either to accept the award of the jurors and such building to be taken with the land appro- ed, or their intention to remove such building. He have such time for this purpose as the common ncil may allow.

Notice of determination to be given.

SECTION 10. If the owner shall refuse to take the lding at the value to remove, or fail to give notice his election as aforesaid within the time prescribed, common council shall have power to direct the sale

When council may sell building.

of such building at public auction for cash, givin days' notice of such sale. The proceeds shall b to the owner, or deposited to his use.

Final assessment of damages and benefits by the jurors.

SECTION 11. The said jurors, within the tim ited, shall view and examine the premises propo be taken, and all such premises as will, in their ment, be injured or benefited thereby. After h such testimony as may be offered by any party ested, and which shall be reduced to writing by said jurors, they shall proceed to make their assess and to determine and appraise to the owner or o the actual value in money of the real estate so pro to be taken, and the injury arising to them respe ly in consequence of the taking thereof, which sh awarded to such owners respectivly as damage the estimates of the damages to the land, the juro include the value of the building or buildings property of the ownerr of such lands), as estimat them as aforesaid, less the proceeds of the sale t or if taken by the owner at the value to remove, i case, they shall only include the difference b such value and the whole estimated value of such ing or buildings, according to section eight o chapter.

In case premises are owned by different persons, or incumbered.

SECTION 12. If the lands or buildings belong ferent persons, or if the land be subject to lease ment or mortgage, or if there be any estate in than an estate in fee, the injury done to such pe interests respectively, shall be awarded to them jurors.

Award to be signed and returned.

SECTION 13. The award of said jurors sh signed by them, and returned, together with the mony taken, and the precept, to the common c within the time limited in such precept.

Any person may appeal from award.

SECTION 14. Any person whose property is or against whom any assessment is made may, ten days from the return of the jurors to th mon council, appeal from said assessment of da to the circuit court of Brown county, by cau written notice such appeal to be served on the of said city, and executing a bond in the manne scribed in section six of chapter five of this a such appeal shall be tried by the court and jury ordinary cases. The common council shall also the right to appeal, by filing with the clerk a thereof within ten days, as aforesaid.

Damages to be paid before land is appropriated.

SECTION 15. The land required to be taken purposes mentioned in this act shall not be app ated until the damages awarded therefor to the

thereof shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unkown, deposited to his or their credit in some safe place of deposit, and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out.

To be paid within one year.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report; and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

When paid, council to take land.

SECTION 17. The city may pay or tender or deposit as herein required, at any time within one year from the confirmation of such assessment, and report the damages in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings, to take and appropriate such lands for the purposes required.

Lease or contract not to hinder takin of land.

SECTION 18. When the whole of any tract or lot or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

If only a part is under lease, how adjusted.

SECTION 19. When only a part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable, and to be paid for or in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

How give notice to infants or non-residents.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the judge of the circuit court of Brown county, or in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a

guardian for such party, and all notices required by this act shall be served upon such guardian.

Shall cause survey to be made.

SECTION 21. Whenever any public grounds, stree or alley shall be laid out, widened or enlarged, unde the provisions of this chapter, the common counci shall cause an accurate survey and profile thereof to b made and filed in the office of the city clerk.

CHAPTER VII.

CITY IMPROVEMENTS.

Shall appoint street commis-s ioner.

SECTION 1. The aldermen of the several wards sh appoint a suitable person to act as street commission in each ward; said aldermen shall prescribe his duti and fix his compensation, and they shall have the pow to remove him whenever they see fit. The city cle shall be the clerk of the street commissioners, a shall keep a record of their acts and doings, and sh keep and preserve all contracts, receipts and papers each street commissioner. The several street comm sioners shall make report in detail, to the council their regular meeting in March in each year, of th acts and doings, books, records, papers, accounts, ceipts and vouchers, for final settlement and adju ment.

May appeal from act of street commis-sioner.

SECTION 2. Any person deeming himself aggrie by an act of the street commissioners may, within days thereafter, by filing a written notice with the cl of said city, appeal to the common council, who sl inquire into, examine and correct the act or order c plained of, as shall seem just and proper, and the f ther action of the board in this respect shall be re lated accordingly, and if such person shall deem h self aggrieved by the determination of the comm council upon such appeal, such person may ap within ten days thereafter to the circuit court of Br county, by complying with the provisions of sec six of chapter five of this act.

The general powers of the street commis-sioner.

SECTION 3. The said street commissioner shall h power to order and contract for the making, grad repairing and cleaning of streets, alleys, public grou reservoirs, gutters and sewers within his respec ward, and to direct and control the persons emplo thereon. Whenever the street commissioners shall d it necessary to construct or repair any sidewalk wi their ward, they shall direct the owner or occupan any lot adjoining such sidewalk to make or repair same at his own proper cost and charge. If such w

ot done in the manner and in the time prescribed, commissioners shall cause the same to be done at expense of the lot adjoining such sidewalk. The et commissioners shall not have power, except as inafter provided, to make and grade in the several ls of the city, any street, alley, public grounds, res- irs, gutters or sewers, or to construct any sidewalk eir respective wards, unless the same has been first authorized by ordinance of the common council id city: *provided*, nothing herein shall be so con- d as to prohibit such street commissioners from ing or causing to be made all necessary repairs to sidewalk, street, alley, public grounds, reservoirs, rs or sewers. No special improvement shall be red by the common council, exceeding in estimated of the sum of two hundred dollars, unless more one half of the owners of the land to be taxed uch improvement shall petition in writing for the , or unless the same shall be ordered by a vote of hirds of the aldermen elect. If, however, the com- council order any special improvement to be made, ass any ordinance or resolution requiring any al improvement to be done, the vote therefor of the men shall be taken by yeas and nays, and ed upon the journal of the proceedings of council, and no special improvement shall be valid nding unless said vote be so taken and entered the journal.

Limit of special improvements, and how authorized.

CTION 4. Opening, grading, working, graveling king or paving streets and alleys to the centre of, shall be chargeable and payable by the lots ing on such street or alley; but no street or alley be graded, graveled, planked or paved except the petition of a majority of the property holders ested therein, or by a two-thirds vote of the alder- elect. Sewers may be ordered by the street com- ioners and built at the expense of the lots or par- of lots or land benefited thereby, which shall be rtioned among said lots or parcels of lots or lands he street commissioners: *provided, however*, that sewers are constructed through alleys, no lots or ls of lots shall be assessed therefor, except those ted in the block or blocks through which said rs may be constructed; and when the sewers are tructed through streets, no lots or parcels of lots be assessed therefor except those situated in the ks fronting on such streets; or, *provided further*, in all cases when improvements or work of any are charged, by virtue of this section, upon lots

Street improvements—how chargeable.

Construction of sewers.

benefited, all such improvements across streets, alle and public grounds shall be made and paid for out the general fund of the city.

Estimates of improvements to be made.

SECTION 5. Whenever the commissioners shall termine to make any public improvement, as auth ized by sections three and four of this chapter, th shall cause to be made an estimate of the whole e penses thereof, and of the proportion to be assess and charged to each lot, which estimate may be alter amended or modified by the commissioners, and in c of grading streets, alleys or sidewalks, of the numb of cubic yards to to be filled in or excavated in fr of each lot; and such estimate shall be filed with t city clerk, for the inspection of the parties interest

Notice to owners.

The street commissioners shall give notice by adv tisement for ten days in the official paper or pap published in the city of Fort Howard, to the owners occupants of the lots or parcels of land fronting on a street, alley or sidewalk ordered to be graded, gravel planked or paved, requiring them to do the work me tioned in such notice, within a reasonable time, there to be specified; and if the said work shall not be do within such time, the said commissioners shall ent into contract for the doing thereof.

Notice of stagnant water.

SECTION 6. The street commissioners shall give n tice to all owners or occupants of lots which may deemed injurious to health, by reason of stagnant wa remaining thereon, or other cause, if residents, pers ally, if non-residents, in the official paper or pap published in the city of Fort Howard for ten days, abate such nuisance by draining or filling such within a reasonable time therein to be specified; if such nuisance shall not be abated or removed wit the time specified, the street commissioners shall ca the same to be abated or removed at the expense the property upon which the same may exist.

Shall give certificate to contractors.

SECTION 7. After the completion and performa of any contract entered into by the street commissio for work chargeable to lots or lands, by virtue of t act, they shall give the contractor or contractor certificate under their hands, stating therein the amo of work done by such contract, the nature thereof, the description of the lot or parcel of land upon wh the same is chargeable, which said certificate may transferred by endorsement thereon; and if the amou shall not be paid before the time of making out t annual tax roll, the same shall be assessed upon the sa lots or parcels of land respectively, and collected for th use and benefit the holders of such certificate, as othe

es on real estate are collected by virtue of this act, l if the notice to do the work required shall have n given as herein provided, no informality or errors he proceedings shall vitiate such assessment: *pro-d*, that in no event when the work is ordered to be e at the expense of any lot or parcel of land, shall er the city or any ward be held responsible for the ment thereof.

ECTION 8. In all cases when work is ordered to be e by the owner of any lot under the provisions of chapter, such owner may make an appeal as here-efore provided, at any time within twenty days after ice as aforesaid. Owners may appeal.

ECTION 9. The street commissioners of the several ds are hereby authorized to require, by such regula-s as they may choose to adopt, the owners or occu-ts of the several lots within their respective wards leanse and repair the sidewalks, streets and alleys, to employ any person or persons whose duty it ll be to make, repair and cleanse such streets, alleys sidewalks. Whenever such regulations shall not e been complied with at some period prior to the e of the delivery of the tax list to the treasurer ler the charter, it shall be the duty of the street mmissioner to make a report to the city clerk of the ount of the tax properly chargeable against such for work done under this section, for any period exceeding one year prior to such report, specifying amount in gross, and such amount shall be a lien n such lots, and be levied thereon as a special tax, h all the legal consequences both as to collection of es and sale of the lot prescribed in this act for spe-taxes. Commissioners may order cleaning and repair of sidewalks, etc.

CHAPTER VIII.

SSESSING, LEVYING AND COLLECTION OF TAXES.

ECTION 1. All property, real or personal, within city, except such as may be exempt by the laws of state, shall be subject to taxation for the support the city government and the payment of its debts liabilities, and the same shall be assessed in the nner hereinafter provided; and the assessor elected ler this act shall have and possess the same powers are or may be conferred upon town assessors, ept so far as they may be altered by this act: *pro-d, however*, that the common council may prescribe form of assessment rolls, and more fully define the Assessment, and collection of taxes.

duties of assessor, and make such rules and regulatio in relation to revising, altering or adding to such rol as they may from time to time deem advisable.

Notice for hearing objections.

SECTION 2. When the assessment roll shall be com pleted, the assessor shall give one week's notice there in the official paper, and shall fix a time and conven ent place when he will hear any objections of parti deeming themselves aggrieved by such assessmen and after hearing the same the assessor shall make su alterations or reductions as justice or equity shall r quire: *provided*, the time of hearing of such objectio shall not be more than one week from the expiratio of such notice.

Return and equalization of assessments.

SECTION 3. Within one week after the time limit for the hearing of such objections, the assessor shall turn the said assessment roll to the board of equalizati of the city. The board of equalization may supp ommissions in said roll, and for the purpose of equal the same, may alter and add to, take from and oth wise revise and correct the same: *provided*, *howe* the board of equalization shall not have the power to crease the amount of said roll, except by the value such real property as may have been ommitted by t assessor.

Additional assessments for omissions in previous years.

SECTION 4. If it shall appear to the assessor t any lot or parcel of land was omitted in the assessm roll of either or both of the two preceding years, a that the same was then liable to taxation, he shall addition to the assessment of that year, assess upon lot or tract so omitted, for such year or years tha shall have been so omitted, the just value thereof, r ing the year when such omission occurred, and su assessment shall have the same force and effect a would have had if made the year when the same w omitted; and the common council shall direct, in dition to the tax for the current year, such tax to levied upon such tract or lot as the same would h been chargeable with had not the same been so omitt and such tax shall be collected as other taxes or ass ments for the current year. All lands shall be sub to taxes that may have been omitted, in whoseso hands they may have come. Should the tax or ass ment upon any parcel of land be set aside or decla void by reason of any defect or informality in the sessing, leavying, selling or conveying the same, not affecting the equity and justice of the tax itself, common council shall cause the tax or assessmen set aside or declared void, to be relevied in such m ner as they shall by ordinance direct: *provided*, tha

If tax is set aside, it may be relevied.

the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Meeting of the board of equalization.

SECTION 5. The mayor, city clerk, treasurer and assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof.

Levy upon the assessment roll.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied.

Changes to be recorded.

SECTION 7. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Taxes to be and remain a lien on real estate.

SECTION 8. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and on all the personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal estate shall affect said lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

City clerk to calculate and carry out tax.

SECTION 9. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto five per cent. for the expense of collection, in an additional column prepared for that purpose in the tax roll, setting down opposite the several sums set down, as the valuation of real and personal property,

the respective sums assessed as taxes thereon, in d
lars and cents, rejecting the fraction of a cent when l
than one-half, otherwise reckoning said fraction a
cent.

Shall make duplicate copy.

SECTION 10. The said city clerk shall immediat
make out a duplicate copy of such tax roll when t
completed, and deliver the same to the treasurer on
before the second Monday in December in each ye

Shall affix warrant.

SECTION 11. To each assessment roll so delivere
warrant, under the hand of the city clerk, and the
porate seal of said city shall be annexed, substanti
in the following form:

Form of tax warrant.

THE STATE OF WISCONSIN—

*To the city treasurer of the city of Fort Howard in
county of Brown*:

You are hereby commanded to collect from each
the persons and corporations named in the annex
assessment roll, and of the owners of the real est
described therein, the taxes set down in such roll
posite to their respective names, and to the seve
parcels of land therein described; and in case a
person or corporation upon whom any such tax is i
posed shall refuse or neglect to pay the same, y
are to levy and collect the same by distress and s
of the goods and chattels of the person or corpo
tion so taxed; and out of the moneys so to be c
lected, after deducting your fees, you are first to
the treasurer of said county, on or before the
Monday of January next, the sum of ——, for st
taxes, and the further sum of —— for county tax
and the balance of said money you are required to
tain and pay out, according to law; and in case
taxes and assessments shall not be paid the fourth M
day of February next, you are required to proceed
sell the several lots or parcels of land, or those p
thereof upon which said taxes or assessments shall
main unpaid, as provided by law, and to make due
turn of this warrant to the common council of
city on or before the first Tuesday of May next.

Given under my hand and the corporate seal of
city, this —— day of ——, 18—.

—— ——, City Clerk.

Tax roll and warrant to be evidence.

SECTION 12. The said tax roll and warrant ther
attached shall be *prima facie* evidence in all courts t
the lands and persons therein named were subject
taxation, and that the assessment was just and equal.

General laws to apply.

SECTION 13. All the general laws of this state whic
are now or may hereafter be in force relative to the a
sessment and collection of taxes, shall be in force

city, except as otherwise herein equally provided, the city treasurer shall proceed to collect the taxes, all assessments of said city in the same manner as quired by law of the town treasurers to collect , except as herein provided.

Treasurer to give notice of receipt of tax roll.

CTION 14. Upon the receipt of any tax roll and ant by the treasurer, he shall give public notice in wspaper published in said city, that such tax list ribing for what purpose such taxes are levied) has committed to him for collection, and that he will ve payment for taxes at his office for the term of y days next ensuing the date of said notice. If axes are not paid within said time, he shall then eed to collect the same by distress and sale of the s and chattels of the person so charged, giving at six days' notice of the time and place of such sale, osting up not less than three written notices in as y public places in said city.

Delinquent lots subject to sale.

CTION 15. Each and every lot or lots, or any r piece of land upon which the taxes, interest and ges shall not be paid by the fourth Monday of uary next, after the levying and assessing of the , shall be subject to sale as hereinafter provided.

Shall publish notice of sale of delinquent lots.

CTION 16. The city treasurer shall, immediately said fourth Monday in January, make out a notice ng that the tracts and parcels of land specified in tax roll, upon which the taxes shall not have been by that day, will be sold by him at public auction e office of said treasurer in said city, on the first sday of May next thereafter, and the next succeed- days, for the taxes, interest and charges thereon. said treasurer shall cause said notice to be pub- ed in a newspaper printed in said city, once in each k for four successive weeks prior to said first Tues- of May, and also at least four weeks prior to that , post up copies thereof in three public places in city.

Shall commence and continue sale.

CTION 17. On the day and at the place desig- ed in the treasurer's notice, he shall commence, by lic auction, the sale (and continue from day to day il the whole are disposed of), of all the tracts and , or parts thereof, upon which the taxes or assess- nts shall remain unpaid; the sale to be made for smallest univided portion of the lot or tract for ich any person will take the same and pay the taxes charges thereon. On receiving the amount of such

Shall issue certificates of sale.

es and charges, the treasurer shall issue to the pur- aser, his or her heirs or assigns, a certificate, contain- the name of the purchaser, a description of the

premises sold, the amount paid therefor, the rat
interest said certificate may bear, and the time w
the right to redeem the same will expire. The t
urer shall keep a record of the lots or tracts sold
name of the purchaser, the date and amount of
by whom and for what sum the same was redee
and the time and to whom the same was convey
not redeemed. In case any purchaser at such
sale shall neglect or refuse to pay the amount for w
any lot or tract was sold, at such time as the treas
shall designate, he shall, on the day following,
said lot or tract again for sale; and any person bid
off, at any such sale, any lot or tract of land, and
fusing or neglecting to pay for the same within
time designated, shall forfeit and pay to the city
sum of five dollars for each lot so purchased and
paid for, to be sued for and collected as other pen
under this act.

Shall keep a record of sales.

How lots may be redeemed.

SECTION 18. Any lot or tract of land which
be sold for taxes under this act or any portion the
may be redeemed within three years from the da
sale, and any time before the deed is executed, by
owner or any person interested therein, paying to
treasurer the amount for which the same was sold
gether with the interest, at the rate of twenty-five
cent per annum, and the legal charges thereon
the estate of an infant or lunatic be sold, the same
be redeemed upon the like terms, at any time with
year after such disability shall be removed.

Limit of time of redemption.

SECTION 19. Any tract or lot of land sold in pu
ance of this act, or any part thereof, which shall no
redeemed within three years from the day of sale,
be conveyed by the treasurer to the purchaser o
assigns, as herein provided.

Assignee entitled to deed.

SECTION 20. The assignee of any tax certificate
endorsement thereon, of any premises sold for taxe
virtue of this act, shall be entitled to receive a dee
such premises in his own name, and with the same e
as though he had been the original purchaser.

City may be purchaser.

SECTION 21. If at any sale of real or pers
estate for taxes or assessments, no bid shall be mad
any parcel of land, or any goods and chattels, the s
shall be struck off to the city, and thereupon the
shall receive, in its corporate name, a certificate of
sale thereof, and shall be vested with the same righ
other purchasers are. If the city shall become
purchaser of any personal property, by virtue of
act, the city treasurer shall have the power to sel
same at public sale; and in case the city shall bec

the purchaser of any real estate, at any tax sale, the city treasurer is authorized to sell the certificates issued therefor, for the amount sold, and interest, and to endorse and transfer such certificates to the purchaser.

Deeds to be *prima facie* evidence.

SECTION 22. All deeds purporting on their face to be executed on account of sale for taxes or assessments under this act, shall be in all cases *prima facie* evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts recited in such deed, so far as they affect the validity of the title conveyed by such deed.

Treasurer to receive money and issue certificates of redemption.

SECTION 23. The city treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes. He shall execute to the person so redeeming, a certificate, specifying therein the name of the purchaser of the land redeemed, and the amount of the redemption money paid, and shall also enter on the sale list kept by him the name of the person redeeming, the sum paid therefor by him, and the time when paid. Said certificate shall be evidence of such redemption, and he shall keep an account thereof, and pay the same over on demand to the person entitled to recover the same. He shall cancel all certificates so redeemed, and preserve the same in his office. He shall deliver over to his successor all redemption moneys in his hands, with a statement of the amount so received.

His fees for the collection of taxes and for certificates.

SECTION 24. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him prior to the second Monday of January in each year, and five per cent. upon all taxes and assessments paid to or collected by him after said second Monday of January; and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; for each certificate by him issued on sales of lands for payment of taxes and assessments, ten cents, (to be added to the amount of such tax or assessment and included in such certificate); for each lot redeemed, for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot embraced in such certificate, to be paid by the person redeeming; for each tax deed executed by him, one dollar, and five cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving the same; the city treasurer

Shall keep record of fees.

shall collect the fees hereinbefore prescribed, and s
keep in a book to be provided for that purpose, a t
account and statement of all fees by him receive
city treasurer from any source whatever, and when
amount thereof shall reach the sum of five hund
dollars, which sum is hereby intended to be the c
pensation of said treasurer, all sums received by
over and above that amount, shall be paid by him
to the general fund of the city; and such book shal
opened at all reasonable times to the inspection of
person; and the city treasurer shall, when requi
make report to the common council, duly certified
oath, of all fees or other moneys received by hin
treasurer, and he shall receive no other or further c
pensation for his services as treasurer, than is he

Shall be provided with books, etc.

before provided, except that the common council s
provide him all necessary books, blanks and statio
requisite to the discharge of his duties: *provided*,
the common council may, at their last regular mee
in March, fix the salary of the treasurer to be electe
the next ensuing election, but in no case to ex
eight hundred dollars.

Shall pay over state tax.

SECTION 25. The treasurer shall, on before
third Monday of January in each year, pay to
county treasurer the state tax assessed upon the
estate and personal property in said city.

Default of officer not to invalidate tax.

SECTION 26. All the directions hereby giver
the assessing of lands and the levying and collec
of taxes and assessments shall be deemed only di
ory, and no error or informality in the proceedin
any of the officers intrusted with the same, not a
ing the substantial justice of the tax itself, shall vi
or in any wise affect the validity of the tax or as
ment.

Shall tender amount due before commencing suit.

SECTION 27. No person shall be permitted to i
tute any proceedings to set aside any assessmen
special tax hereafter levied or assessed upon any l
tract of land, or to set aside, or to set up or inter
any objection to the title derived by virtue of
deed executed in consequence of the non payme
such taxes, and of the sale of the premises ther
unless such person shall first pay or tender to
proper party, or deposit for his use with the
treasurer, the amount of all state, county and
taxes, that may remain unpaid upon such lot or t
together with the interest and charges thereon.

How proceed to collect personal tax.

SECTION 28. In case the city treasurer is unabl
collect any tax assessed upon any personal prop
and payable by any person named in the tax lis

ll proceed in all things according to chapter eighteen the revised statutes of this state, and the acts endatory thereto, in bringing such delinquent per- before some justice of the peace, and such proceed- shall be had as are provided by said chapter nteen, and as are prescribed by chapter one hundred ninty-eight of the general laws of 1860, and any that may hereafter be passed amendatory to said , or in addition thereto.

CHAPTER IX.

FIRE DEPARTMENT.

May prescribe fire limits.

ECTION 1. The common council, for the purpose uarding against the calamities of fire, shall have the er to prescribe the limits within which wooden ding or buildings of other materials that shall not onsidered fire-proof, shall not be erected or repaired, to direct that all and every building within the ts prescribed shall be made and constructed of fire- f materials, and to prohibit the repairing or rebuild- of wooden buildings within the fire limits, when same shall have been damaged to the extent of per cent. of the value thereof, and to prescribe the ner of ascertaining such damage, and to prescribe lties for the violation of any resolution or ordi- e passed under this section.

May take precautionary measures to prevent fires.

ECTION 2. The common council shall have power revent the dangerous construction and condition of neys, fire-places, hearths, stoves, stove-pipes, ovens, rs and apparatus used in and about any building, to cause the same to be removed or placed in a safe secure condition, when considered dangerous; to ent the deposit of ashes in unsafe places; to re- e the inhabitants to provide as many fire buckets, in such manner and time as they shall prescribe, o regulate the use of them in time of fire; to reg- and prevent the use of fireworks and firearms; mpel the owners and occupants of buildings to scuttles in the roof, and stairs or ladders leading e same; to authorize the mayor, aldermen, fire ens and other officers of the city to keep away the vicinity of a fire all idle and suspected per- and to compel all bystanders to aid in the extin- nment of fires and in the preservation of property sed to danger thereat, and generally to establish regulations for the prevention and extinguishment res as the common council may deem expedient,

and to provide penalties for the violation of any r
lution or ordinance passed under this section.

May authorize the formation of fire companies, etc.

SECTION 3. The common council shall have
power to purchase fire engines and other fire appar
and to authorize the formation of fire engine, h
and ladder companies, and to provide for
due and proper support and regulation of the same,
to order such companies to be disbanded, and t
meetings to be prohibited and their apparatus to b
livered up. Each company shall not exceed sev
able bodied men, between the ages of eighteen and
years and may elect its own officers, and form its
by-laws, not inconsistent with the laws of this state o
ordinances and regulations of said city, and shal

Exemption of firemen.

formed only by voluntary enlistment. Every mem
of said company hereby authorized to be formed s
be exempt from highway work and poll tax, and f
serving on juries and from military duty excep
case of war, insurrection or invasion, during the
tinuance of such membership; and any person ha
served for the term of ten years, in either of such c
panies, shall be forever thereafter exempt from poll
military and jury duty, except as in cases before r
tioned.

Meeting for election of officers.

SECTION 4. There shall be a meeting of the m
bers of said companies on the first Tuesday of Janu
in each year, at such place as may be designate
the chief engineer, when they may nominate and
commend to the common council for appointment,
chief engineer and one assistant engineer, and
treasurer, and the common council shall thereupon
firm or reject such nominations; and the person
appointed shall perform such duties as the com
council shall prescribe. In case the common cou
shall reject such nominees, the said members shal
a meeting held one week after such rejection, nomi
other persons to hold such offices, which nomina
shall also be subject to the approval of said counci

Shall appoint fire wardens.

SECTION 5. The mayor shall appoint two fire
dens for each ward, subject to confirmation by the c
mon council, who shall perform such duties as
common council may prescribe, and they may at
time enter into any building, house, store, barn o
closure for the purpose of inspecting the same.

Fines appropriated.

SECTION 6. One half of the net proceeds of
fines and penalties recovered and collected for
breach of any ordinance, by-law or regulation mad
pursuance of this chapter, shall be paid by the
treasurer to the fire department.

SECTION 7. When any person shall refuse to obey lawful order of any engineer, fire warden or alder- n of the city, the mayor or city marshal at any fire, shall be lawful for the officer giving such order to est or direct orally the marshal, constable or watch- n or any citizen, to arrest such person, and to con- e him temporarily in any safe place until such fire ll be extinguished; and in the same manner such cers or any of them may arrest or direct the arrest d confinement of every person at such fire who shall intoxicated or disorderly; and any person who ll refuse to arrest or aid in arresting any person so using, shall be liable to such penalty as the common ncil may prescribe, not exceeding twenty dollars. Punishment for disobedience of orders.

SECTION 8. The common council shall have power organize a sack company, which shall be known by ch name as they may select, and shall consist of not re than than thirty members. Such company shall nstitute a part of the fire department, and at fires all be subject to the control of the engineers. The embers of said company, either collectively or indi- dually, are hereby authorized and empowered to act a special police in and for the city of Fort Howard, d are hereby vested with all the power and authority ich now is or may hereafter be vested in any other lice officer of said city, and shall be entitled to all e rights and immunities of members of the fire de- rtment, except exemption from jury duty. At fires, ey shall take charge of all property which may be posed or endangered, and shall, as far as it may be their power, preserve the same from injury or de- uction. Such company may, from time to time, opt such by-laws as they deem necessary, not incon- tent with the laws of this state or the ordinances of d city. The members thereof shall not be entitled any compensation for any service rendered in their icial capacity. They shall, in case of riot or other sturbances of peace, have access to all licensed places amusement in the city, and shall perform such ser- ces as may be necessary for the peace and good order the same. Organization of a sack company—its duties. May adopt by-laws.

SECTION 9. The treasurer of the fire department all receive and pay out all moneys belonging to said re department, and shall secure the faithful perform- nce of his duty by his bond to said city, in such pe- al sum as shall be required, and with sureties, to be pproved by the common council. Such moneys shall nly be paid out on orders signed by the chief engi- Treasurer to give bond.

neer, and countersigned by the clerk of said depa ment.

Secretary—his duties.

SECTION 10. There shall be elected by the memb of each company aforesaid, annually, at their annu meetings, a secretary, who shall, on or before the fi day of January in each year, return to the city clerk list containing the name of each member of their spective companies; and when any member of either said companies shall cease to be a member by resign tion, expulsion or otherwise, notice thereof shall given to the city clerk.

City clerk to keep record of members.

SECTION 11. The city clerk is hereby required keep a record of the members of the several compani organized under this chapter, and such record shall co sist of the returns made by the several secretaries, above provided; and no person shall be exempt fr jury duty unless the name is entered on such list. case any person shall, for any cause, cease to be a me ber of either of said companies, the clerk shall no that fact on the list thereof, and shall return to t county clerk of Brown county, a list of all persons w are members of either or all of said companies exem from jury duty, on or before the day now appointed, which may hereafter be appointed for the annual me ings of the county board of supervisors of said coun and said board shall not place the names of such perso on the jury list for the ensuing year.

CHAPTER X.

ACTIONS TO RECOVER PENALTIES, ETC.

Actions to recover penalties.

SECTION 1. All actions brought to recover any pe alty or forfeiture under this act, or the ordinances, b laws, or police or health regulations, made in pu suance thereof, shall be brought in the corporate nam of the city. It shall be lawful to declare generally debt for such penalty or forfeiture, stating the chapt and section of this act or the section of the ordinanc by-law or regulations under which the penalty or fo feiture is claimed, and to give the special matter evidence under it.

First process to be summons.

SECTION 2. In all prosecutions for any violatio of any of the provisions of this act or any by-la ordinance or regulation, the first process shall be b summons, unless oath be made for a warrant as i criminal cases before justices of the peace under th general statutes of the state for the time being.

SECTION 3. When the action is commenced by nmons, such summons may be substantially in the lowing form: Form of summons

UNTY OF BROWN—*City of Fort Howard*—ss.

e state of Wisconsin, to the sheriff or any constable of aid county, or to the marshal of the city of Fort Howard:

You are hereby commanded to summon A. B., if he ll be found within your county, to appear before undersigned one of the justices of the peace in and said city, at my office in said city, on the —— day of —, 18—, at — o'clock in the ——noon, to answer to city of Fort Howard in a plea of debt, to the dam- of said city, two hundred dollars or under.

Given under my hand, at the said city, this —— day —— 18—. J. P., *Justice of the Peace.*

SECTION 4. Such summons shall be made returna- in the same manner as is now or hereafter may be scribed by the laws of the state for the commence- nt of actions before justices of the peace by sum- ns; and all proceedings in the action, except as einafter provided, shall be governed by the laws of state for the time being, relative to actions com- nced by summons, and triable before justices of the ce. How made returnable.

SECTION 5. When action is commenced by sum- ns, the complaint may be substantially in the fol- ing form: Form of complaint.

E CITY OF FORT HOWARD against A. B.

In justices' court, before J. P., Justice.

The plaintiff complains against the defendant, for t the defendant, on the —— day of ——, 18—, at said city, did violate (section —— of chapter —— this act, or section —— of an ordinance or by-law regulation of said city, describing it by its title,) ich —— is now in force. By reason of such viola- n, an action hath accrued to the city of Fort How- l, to recover of the defendant the sum of —— dol- s debt. Whereupon the plaintiff demands judgment ainst the defendant for the sum aforesaid, besides the sts of this action.

SECTION 6. In all cases where oath is made for a arrant for the complaint, shall be made on oath of the Form of affidavit for warrant.

complainant, and no other affidavit shall be necess which last mentioned complaint may be substanli in the following form:

THE CITY OF FORT HOWARD against A. B.

In justice's court, before J. P., jus
COUNTY OF BROWN—ss.

——, being duly sworn, complains on oa J. P., one of the justices of the peace in and fo city of Fort Howard, in said county, that A. B., on —day of ——, 18—, at said city, did violate (sectio of chapter — of this act, or section — of an ordin or by-law or regulation of said city, describing i its title,) which said — is now in force, as the plainant verily believes; and prays that the sai B. may be arrested and held to answer to the cit Fort Howard therefor.

Subscribed and sworn to before me, this —— da ——, 18—.

What complaint shall set out.

It shall be sufficient to give the number of the tion and chapter of this act, or the section of the nance in the foregoing forms of complaint, and complaint may be sworn to before any officer autho to administer oaths. Upon the filing of such plaint with the justice of the peace, he shall iss warrant, substantially in the following form:

Form of warrant.

COUNTY OF BROWN, *City of Fort Howard*—ss.

The State of Wisconsin, to the sheriff or any cons of said county, and to the marshal of the city of Howard, greeting:

WHEREAS, —— —— has this day complained t in writing, on oath, that A. B. did violate (here the number of section of the ordinance, etc., a complaint), which said —— —— is now in full as the complainant believes, wherefore, you are manded to arrest the body of said A. B., and bring before me forthwith, to answer to the city of Fort ard, on the complaint aforesaid.

J. P., *Justice of the Pea*

Proceedings upon return of warrant.

Upon return of the warrant, the justice may pro summarily with the case, unless it be adjourned consent or for cause. If the case be adjourned, th fendant, if required by the court so to do, shall re nize with security, to be approved by the court, for her or their appearance, in such sum as the court

direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the jail of Brown county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall (*be*) put in issue all subject matter not embraced in the action.

Printed copy to be evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of the state.

No jury or witness fee to be tendered.

SECTION 8. Witnesses and jurors shall attend, before a justice of the peace, in all city and criminal suits, without the payment of fee in advance, or tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

What findings of court shall be.

SECTION 9. In city prosecutions, the findings of the court or jury shall be either guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in case of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall, in either case, determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution may be in the following form:

Shall issue execution.

Form of execution.

COUNTY OF BROWN, *City of Fort Howard.*

The state of Wisconsin, To the sheriff or any constable of said county, or to the marshal of said city, and to the keeper of the common jail of said county, greeting:

WHEREAS, The city of Fort Howard, on the —— day of ——, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against A. B., for the sum of —— dollars, together with —— dollars and —— cents, costs of suit, for the violation of (section — of chapter —, of this

act, or section — of an ordinance of said city, desc
ing it by its title), you are hereby commanded to l
distress of the goods and chattels of said A. B., exc
ing such as the law exempts, and make sale thereo
cording to law, to the amount of said sum, toge
with your fees, and twenty-five cents for this writ,
the same return to me in thirty days, and for wan
such goods and chattels whereon to levy, to take
body of the said A.B., and him convey and deliver to
keeper of the common jail of Brown county; and
said keeper is hereby commanded to receive, kee
custody in said jail, the said A. B., for the term of—
unless the said judgment, together with all the c
and fees are sooner paid, or he be discharged by
course of law.

Given under my hand, this —— day of ——, 1

J. P., *Justice of the P*

Form of commitment.

The form of the commitment shall be substanti
the same as that of the execution, omitting all tha
lates to levy and sale and return of writ.

Defendant may appeal to the circuit court.

SECTION 10. The defendant feeling aggrieved by
judgment of a justice of the peace in any action c
menced under the provisions of this act, by summ
or warrant, may appeal from such judgment, to
circuit court of the county of Brown: *provided*, s
defendant within twenty-four hours enter into a re
nizance, with one or more sufficient sureties, to be
proved by such justice, conditioned to appear be
said court and abide the judgment of the court the
The justice from whose judgment an appeal shal
taken, shall make a special return of the proceed
had before him, and shall forthwith cause the summ
or warrant and return, together with the proceed
and copy of the entries on his docket in the act
together with the recognizance, to be filed in the o
of the clerk of the said court; and the city may ap
from any such judgment, as in other cases be
justices of the peace.

Appeal shall be for trial without notice.

SECTION 11. Said appeal shall stand for trial
jury, unless a jury be waived in the manner provided
law, in said circuit court, at the next term thereof a
the day the judgment of the justice shall be rende
and no notice of trial shall be required to be given
either party.

If judgment is affirmed, penalty to be enforced.

SECTION 12. If the judgment of the justice s
be affirmed, or if upon the trial, the defendant shal
convicted, the court shall inflict the penalty provi

is act or the ordinance, resolution, by-law or regu-
under which he or they are prosecuted, and enter
nent against him or them and their sureties for
penalty, together with the costs in both courts, and
e the same by execution as in actions of tort.

TION 13. No person shall be an incompetent justice, juror or witness by reason of his being habitant of said city, in any proceeding or action ich the city shall be a party in interest. Not to make incompetent.

TION 14. All ordinances and regulations now e in the borough of Fort Howard, and not in-tent with this act shall remain in force until al-modified or repealed by the common council, his act shall take effect. Existing ordinances in force.

TION 15. All actions, rights and penalties, fines orfeitures, in suits or otherwise, which have arisen ccumulated under the several acts consolidated n, shall be vested in and prosecuted by the corpo-n hereby created. Suits to be prosecuted.

CTION 16. When any suit or action shall be com-ced against said city, the service thereof may be e by leaving a copy of the process of summons the mayor or clerk of said city, and it shall be luty of the said mayor or clerk so served, forthwith form the common council thereof, or to take such and or proceedings as by ordinance or resolution id council may be in such cases provided. How serve process against city.

CTION 17. Change of venue shall be allowed, may be taken from police justices in all cases, in same manner as before justices of the peace, as provided by the general laws of this state; and se the justice before whom the action is taken re-outside the city limits, nevertheless, such justice have full and complete jurisdiction in all respects, ecly as though he were acting justice of the peace e city of Fort Howard, and shall be governed in respects by the provisions of this act, and ordi-es of the city of Fort Howard, and the by-laws regulations of said city. How change of venue to be made.

CTION 18. All penalties and forfeitures recovered collected under and by virtue of this act, shall be into the city treasury, for the use and benefit of city, except as provided in chapter nine of this act. How penalties paid.

CTION 19. In all cases when a defendant shall be icted of any violation of any ordinance of said city, court before whom the same is tried shall have er to sentence the defendant to a term of imprison-t in Brown county jail, for any period not exceed-six months. May sentence to county jail.

CHAPTER XI.

PUBLIC SCHOOLS.

Shall elect school commissioners—their term of office.

SECTION 1. The mayor and council of th of Fort Howard, shall, at their first regular m after this charter shall go into effect, elect as commissioner one person from each ward of sai who shall hold office until the first Monday in 1874, and one other person from each ward, wh hold office till the first Monday in July, 1875, a person from the city at large, who shall hold off til the first Monday in July, 1876; and annually after the said mayor and council shall, at their meeting in May, elect one school commissione each ward, who shall hold office for two yea each alternate year after 1875, one from the city who shall hold office two years, unless sooner re for misconduct or other sufficient cause, by a two-thirds of the appointing power. The terms of said commissioner who shall be elected aft first election, shall commence on the first Mon July in each year.

Shall form board of education.

SECTION 2. The school commissioners elected the provisions of section one of this chapter sha the "board of education of the city of Fort H and a majority of said board shall form a quor the transaction of business. It shall be the the mayor and council to supply by appointme vacancy which may occur from time to time number of said school commissioners by resign otherwise.

Shall elect city superintendent—his term of office.

SECTION 3. The school commissioners first under this act shall, at their first regular mee within fifteen days thereafter, elect some suita son having the necessary qualifications, as city intendent of schools, whose term of office sha mence on the first Monday of July, 1873, a shall hold his office until the first Monday o 1874, and thereafter, until his successor shall be and thereafter the said board of education sha ally, as hereinafter provided, elect a city supe ent of schools, whose term of office shall comm the first Monday of July, and the said superin shall continue in office for one year, and until cessor shall be elected, unless sooner removed by thirds vote of the council, or by a two-thirds all the members elect of the board of educat misconduct or other sufficient cause.

ECTION 4. The board of education shall, at its first ular meeting, and on the first Monday in July of h year thereafter, elect one of its members presi- t, who shall preside at all meetings of the board, preserve order and decorum thereat, and decide all stions of order, subject to appeal to the board. He l countersign all orders drawn by the secretary for payment of teachers' and janitors' wages, and all r incidental and necessary expenses of said board ducation (not including superintendent's salary), in all suits brought by or against the school district, hall appear in behalf of the district, unless some r provision is made by the board of education. shall declare all votes taken on questions coming ore the board: *provided*, that on all questions re- ring appropriations of money, or the adoption of text books, the votes shall be taken by ayes and s, and on any other question the ayes and noes shall called when any member shall request it: *provided, ther*, that in the absence of the president, the board ll elect a president *pro tempore*.

Shall elect president of the board—his duties.

SECTION 5. The board of education shall have at st one regular meeting in each month, at such time d place as may be designated by them; and they y have special meetings at such other times as they y deem necessary, or when called together by the sident; but no such special meeting shall be legal less each member of the board shall have first been ved with notice in writing of the time and place of h meeting.

Regular and special meetings of the board.

SECTION 6. The city superintendent of schools shall eive an annual salary of not less than two hundred d fifty dollars, to be paid quarterly, the amount of ich shall be determined from year to year by the rd of education.

Salary of superintendent.

SECTION 7. The duties of the board of education ll be as follows:

Duties of the board—to elect superintendent.

1st. To elect at their regular meeting in July, a city perintendent of schools; but if such election shall not n be had, the said superintendent shall be elected at ne regular meeting thereafter.

2d. To decide upon the number of teachers to be ployed, the grade of school to be kept by each and the ount of salary to be paid each, and to hire and make ntracts with teachers, and before any teacher shall ter upon his or her duties as such, he or she shall ter into a written contract, which contract shall be gned by such teacher and by said board of education, by some member thereof designated for that pur-

To decide upon number and make contracts with teachers.

pose by resolution of said board. Such contract s
be made in duplicate, and one copy thereof filed
the clerk and the other copy delivered to the teach

To fix school terms, and uniformity in books.

3d. To arrange and determine terms and vacat
in all public schools, to establish uniformity in
school system, and to require and secure uniformit
text books, and to adopt and reject text books at

To establish rules.

4th. To establish rules and regulations for sch
not in conflict with the constitution or laws of
state; but the mayor and council may, in their di
tion, do away with, annul or abrogate any such ru
regulation by a two-thirds vote of the whole num
of aldermen of the city.

To make contracts and repairs.

5th. To make contracts for fuel, stationery and
ticles of furniture required for the use of the scho
to make all necessary repairs in school hours, such
lighting fires, sweeping school rooms, etc., and s
contracts when executed shall be paid by orders dr
on the city treasurer, payable out of the school fu
which orders shall be signed by the president of
board of education, and countersigned by the clerk
said board.

To submit annual statement of teachers' wages, and estimate amount of moneys needed.

6th. The said board shall annually, on or before
first day of November in each year, submit a statem
to the mayor and council, showing the amount of te
ers' wages that have accrued and become due du
the year, and the amount of all other indebtedness
cruing on contract or otherwise that has been made
order of the board; and for that purpose, they sl
cause entries to be made in a book or books to be
vided by the city, of all contracts made by the te
ers, and the amount of salary to be paid, and of
other expenditures made or authorized by said bo
at the time the same shall be made or authorized, wh
book or books shall be subject to inspection in
same manner as the records of the proceedings of s
board, and they shall, at the same time, submit for
consideration of the council, a statement of the e
mate required for carrying on the schools for the
suing year, specifying the amount required for tea
ers' wages, and other items separately and specifica
Nothing in this section contained shall prevent
mayor and council from taking into consideration
amount to be received from the state from the inco
of the school fund, and the amount to be received fr
the county school tax during the ensuing year.

Shall make statement of amount of repairs needed.

SECTION 8. Whenever repairs to a larger amou
than one hundred dollars shall, in the opinion of t
board, be required for any one school house, they sh

ise a statement to be made showing the repairs re-
red, and an estimate of the cost thereof, to be laid
ore the mayor and council; and whenever, in their
nion, another school house shall be required, they
ll cause estimates of the cost of a site for such house
ouses, and a plan of the proposed building or build-
, together with the estimates of the cost of the same,
e made, and shall submit the same for the consid-
ion of the mayor and council, who shall forthwith
e measures to raise a tax to defray the cost of such
irs, or the erection of such building or build-
, and the purchase of a site or sites, unless there
l be a two-thirds vote of the whole number of al-
nen of the city against the same, in which case such
osed repairs shall not be made, nor shall such site or
be purchased, or building or buildings erected; and
all be the duty of said board to enter into contracts
making such repairs or for the erection of such
dings or for the purchase of such sites, whenever
all be made to appear that the necessary tax for
same has been levied or authorized by the mayor
council.

Orders for teachers' wages.

ECTION 9. It shall be the duty of the president
secretary of the board of education to draw orders
he city treasurer, payable out of the school fund,
eachers' and janitors' wages, and all other expendi-
s authorized by this act.

Members of board not to be contractors.

ECTION 10. No member of the board of education
l have any interest, direct or indirect, in any con-
made by said board, and every contract so made
which any member of said board shall have such
rest, shall be absolutely void.

Duties of superintendent—to examine applicants.

ECTION 11. The duties of city superintendent shall
s follows:

t. To examine all applicants for teachers' licenses
e branches taught in the public schools of said
and if approved, give them certificates authoriz-
them to teach in the city.

Annual certificates.

l. To annul a teacher's certificate whenever he may
k proper: *provided*, that such teacher shall have
ight to appeal to the board of education.

Visit schools.

i. To visit each school department in said city at
once during each week.

Report text books.

h. To report for the consideration of the board of
ation, such text books as he may think advisable
proper for the use of the schools, and to report
alterations therein from time to time, as he may
k most beneficial for the schools in said city.

Report condition of schools.

5th. To report to the board of education a regular meeting, relative to the condition of the under his supervision, and particularly as to th age attendance at each school since the previou lar meeting; to make such recommendations a in his judgment, conduce to their welfare, and form such other duties as may be required of h the board.

Make statement of number of children.

6th. He shall, between the first and tenth September in each year, make a statement of th ber of children, male and female, designated rately, over the age of four and under the twenty years, residing in the city on the last August previous to the day of such report; and on or before the 10th day of October in each make and transmit to the county superintende port containing the facts set forth in section fort of the general school laws, a copy of which re shall present to the board of education at the meeting thereafter.

Attend meetings and act as secretary.

7th. He shall attend all the meetings of the b education, and act as secretary thereof, and the any suggestions he may think advisable relativ government of the schools in said city.

Books and papers to be turned over.

SECTION 12. The several school district cl the borough of Fort Howard shall, on or befo first Monday in July next, turn over all bool (*news*) papers in their hands to the board of edu and the several school district treasurers in lik ner shall turn over all moneys, vouchers, boo papers in their hands, to the city treasurer.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Work to be let to lowest bidder

SECTION 1. All work for the city or either wards, including all printing and publishing, sh let by contract to the lowest bidder, and due shall be given of the time and place of letting th tract.

How money appropriated.

SECTION 2. No moneys shall be appropriat any purpose whatever, except such as are exp authorized by this act.

How penalty remitted.

SECTION 3. No penalty or judgment recove favor of the city shall be remitted or discharge cept by a two-thirds vote of the aldermen elect.

ECTION 4. The common council may at any time e a new and accurate survey to be made of the s and boundaries of all streets, alleys, sidewalks, lic grounds, wharves and blocks, and may cause to established such permanent land marks, as they deem necessary, and cause an accurate plat or s thereof to be made and certified to by the sur- or, which shall be filed in the office of the city clerk, recorded in the office of the register of deeds of the nty of Brown.

May cause new survey to be made.

ECTION 5. The surveys and land marks so made established, shall be *prima facie* evidence of the s and boundaries of all streets, alleys, sidewalks, lic grounds, wharves and blocks, in all cases in ch they shall be drawn into controversy in all courts his state.

Survey to be evidence.

ECTION 6. The common council may, at such as they may deem proper, establish the grades of treets, alleys and sidewalks in said city, or any or er of them, and shall cause accurate profiles thereof e made, one of which shall be filed in the office of register of deeds of Brown county; and should the e so established be at any time thereafter altered, amages, costs and charges therefor shall be paid by ity to the owner of any lot or parcel of land or ment which may be affected or injured in conse- ce of the alteration of such grade: *provided, how-* that nothing in this section contained shall be so rued as to prevent the street commissioners of the al wards of the said city, from ordering or causing done the grading of any street within their ward emporary grade, to be established by such com- oners.

May establish grades and make profiles thereof.

TION 7. The city may have, purchase and hold nd personal estate sufficient for the convenience inhabitants thereof, and may sell and convey the ; and the same while owned, occupied or held by ity shall be exempt from taxation.

May hold property.

TION 8. Real estate exempt from taxation by ws of this state shall be subject to special taxa- s other real estate under this act.

Subject to special tax.

TION 9. Every individual or company of indi- ls or body corporate, owning a lot or tract of land n the corporate limits of the city of Fort How- who may desire to subdivide or plat such lot or of land into city lots, shall, in platting the same, the streets and alleys in such plat to correspond dth and general direction with the streets and

How lots shall be subdivided and platted.

alleys through the lots and blocks in said city adja
to said lot or tract so platted; and before making
plat as required by law, it shall be the duty of
person or persons or corporation making such p
to submit the same to the common council of said
for approval; and if such plat shall be approve
the common council, the said person or persons or
poration may cause said plat or plats to be recorde
cording to law; but except such plat be approved
resolution adopted by said council, a copy of which,
certified by said clerk, shall be affixed thereto or en
on such plat, it shall not be lawful for the regist
deeds of the county of Brown to receive such plat
record, or to record the same, and the person or
sons neglecting or refusing to comply with the req
ments of this act shall forfeit and pay a sum not
than one hundred dollars nor more than one thou
dollars, and the register of deeds who shall record
plat without a copy of the resolution aforesaid, app
ing the same, being entered on or affixed thereto,
forfeit a sum not less than fifty nor more than one
dred dollars.

How deed or lease real estate.

SECTION 10. When the city of Fort Howard d
or leases any real estate, or any interest therein ow
by said said city, the party of the first part shall b
city of Fort Howard, and the person or persons aut
ized to execute such deed or lease need not be na
in the body thereof.

Mayor authorized to execute deed.

SECTION 11. The mayor of said city is hereby
thorized, when the common council shall, by ordin
or resolution for that purpose, describe the real e
and interest to be conveyed under and direct him
do, to execute a deed or lease of such real estate o
terest therein belonging to said city. The said
or lease shall be signed by the mayor of the city,
countersigned by the city clerk, and sealed with the
porate seal of said city, and duly witnessed and
knowledged, as is provided for the execution of d
and conveyances.

City clerk to attach copy of ordinance.

SECTION 12. When any such deed or lease is s
ecuted, the city clerk shall attach to such deed or l
a true copy, by him duly certified, of the ordinanc
resolution aforesaid, and the same shall be recorde
the register of deeds with the said deed or lease;
such copy so attached, and the record thereof, shal
in all courts of this state *prima facie* evidence of
authority of the mayor to make and execute such
or lease.

SECTION 13. If any election by the people for com- on council shall, for any cause, not be held at the ne or in the manner herein prescribed, or if the coun- shall fail to organize as herein prescribed, it shall t be considered reason for arresting, suspending or solving said corporation, but such election or organ- ation may be had on any subsequent day by order of e common council; and if any of the duties enjoined this act, or the ordinances or by-laws or regulations said city, to be done by any officer, at any specified ne, and the same are not then done or performed, the mmon council may appoint another time at which d act may be done and performed. Failure of election not to dissolve corporation.

SECTION 14. No general laws of this state contra- ning the provisions of this act shall be considered as pealing, annulling or modifying the same, unless such rposes be expressly set forth in such law as an amend- ent; and no general or local law of this state to vide this city or annex the same to any other city or wn shall have effect without the consent of the peo- of the city of Fort Howard first had, by submit- g such division or annexation to a vote of the people said city, at a regular charter election of the city of rt Howard aforesaid. General laws not to repeal this act.

SECTION 15. The common council shall have power appropriate a sum not exceeding three hundred dol- s, to any public purpose they may deem proper, but such appropriation shall be made unless ordered by wo-thirds vote of all the aldermen elect. Limit of appropriation.

SECTION 16. The compensation of the mayor shall fifty dollars, and that of the aldermen twenty-five llars, and the assessor not more than one hundred l fifty dollars. Pay of city officers.

SECTION 17. The common council shall have power levy and provide for collection from every male in- bitant of said city, being over the age of twenty-one rs and under the age of fifty years, excepting pau- s, idiots, lunatics and members of the fire depart- nt, a poll tax of one dollar and fifty cents. Said may be paid in cash, or commuted for in labor at rate of one dollar per day. The said common ncil shall have power to appoint some proper per- or persons to collect said tax, fix his or their pay refor, and pass or adopt any needful regulations to vide for and enforce the collection of the same, not consistent with the constitution or laws of this state. Shall levy and collect poll tax.

SECTION 18. All acts or parts of acts inconsistent d conflicting with the provisions of this act are hereby pealed; but the repeal of said acts or parts of acts Conflicting acts repealed.

shall not in any manner affect, injure or invalidate contract, act or suits, claims, penalties or demands may have been entered into, performed, commenc that may exist under or by virtue or in pursuanc the said acts, or any former act incorporating the ough of Fort Howard, or any amendments the but they shall exist and be enforced and carried and be completed as fully and effectually, to all in and purposes, as if this act had not been passed.

SECTION 19. This act shall take effect and be in from and after its passage.

Approved March 14, 1878.

CHAPTER 165.

[*Published March* 26, 1

AN ACT to amend chapter one hundred and eighty-eight general laws of 1872, entitled "an act to provide for the poration of villages."

The people of the state of Wisconsin, represented in and assembly, do enact as follows:

Section 28 amended.

SECTION 1. Section twenty-eight of chapte hundred and eighty-eight of the general laws of is hereby amended by inserting between the "treasurer" and "marshal," in the third line th the words, "assessor, justice of the peace."

Section 29 amended.

SECTION 2. Section twenty-nine of said chapt hundred and eighty-eight is hereby amended by i ing after the word, "treasurer," when it occurs first line of said section, the words, "assessor, just the peace."

Section 30 amended.

SECTION 3. Section thirty of said chapter one hu and eighty-eight is hereby amended by insertin the words, "police justice," in the first line there words, "and justice of the peace," and by strikin the word, "his," in the first and second lines o section, and inserting in lieu thereof the word, "

Section 38 amended.

SECTION 4. Section thirty-eight of said chapt hundred and eighty-eight is hereby amended serting after the word, "office," where it occurs third line of said section, the following: "He assess and carry out such village taxes upon real and personal estate liable therefor, in the t

f said village in like manner as by law provided for assessing and carrying out taxes in towns."

SECTION 5. Section thirty-nine of said chapter one hundred and eighty-eight is hereby amended by striking out the word, "receive," when it occurs in the first line thereof, and inserting in lieu thereof, the word, "collect"; and also by striking out the words, "received, raised, recovered or collected," when they appear in the second and third lines of said section, and inserting in lieu thereof the words, "due said village." Section 39 amended.

SECTION 6. Section forty-one of said chapter one hundred and eighty-eight is hereby amended by inserting after the word, "act," where it occurs in the sixteenth line of said section, the following: "Subject to appeal as from judgments in justices' courts, except as hereinafter provided;" and by inserting after the word, "village," where it occurs in the twenty-third line of said section, the following: "The justice of the peace shall be elected in the same manner, be subject to the rules, and have the same jurisdiction as justices of the peace of towns." Section 41 amended.

SECTION 7. Section forty-three of said chapter one hundred and eighty-eight is hereby amended by inserting after the word, "treasurer," in the first line thereof, the words, "assessor, justice of the peace." Section 43 amended.

SECTION 8. Article three, section fifty-one of said chapter one hundred and eighty-eight is hereby amended by striking out the word, "hereinafter," where it occurs in the second line thereof, and inserting in lieu thereof the word, "herein;" and also by inserting after the word, "interest," in the eighth line thereof, the words, "when authorized by a vote of the people at a general or special election." Section 51 amended.

SECTION 9. Section fifty-four of said chapter one hundred and eighty-eight is hereby amended by striking out all of said section after the word, "property," where it occurs in the eighth line of said section, and inserting in lieu thereof the words, "and shall not exceed one per centum of such valuation, except upon a vote of the people at a general or special election." Section 54 amended.

SECTION 10. Section fifty-five of said chapter one hundred and eighty-eight is hereby repealed. Section 55 repealed.

SECTION 11. Section fifty-six of said chapter one hundred and eighty-eight is hereby amended by adding thereto the following: "*provided*, that no such indebtedness shall be incurred or bonds issued until a proposition for incurring such indebtedness has been submitted to a vote of the people of such village and approved by them." Section 56 amended.

Section 57 amended.

SECTION 12. Section fifty-seven of said chapter hundred and eighty-eight is hereby amended so read as follows: "Section 57. The village ass shall assess the personal and real property of said lage at the time and in the manner provided for as ing towns, and shall receive therefor such sum as board of trustees shall determine, not exceeding t dollars per day."

Section 74 amended.

SECTION 13. Section seventy-four of said cha one hundred and eighty-eight is hereby amended striking out the word, "town," in the second line t of, and inserting in lieu thereof the word, "village

SECTION 14. This act shall take effect and be in from and after its passage and publication.

Approved March 14, 1873.

CHAPTER 166.

[*Published March* 25, 18

AN ACT to amend section twenty seven of chapter one hu and thirty of the laws of 1868, in relation to assessmen collection of taxes.

The people of the state of Wisconsin, represented in ate and assembly, do enact as follows:

Amended—assessor shall take oath.

SECTION 1. Section twenty-seven of chapter hundred and thirty of the general laws of 186 hereby amended so as to read as follows: The ass shall take and subscribe an oath annexed to said as ment roll, which shall be certified by the officer ad istering the same, and shall be substantially in the lowing form:

Form of oath annexed to assessment roll.

STATE OF WISCONSIN, —— *county*—ss.

We, —— —— and —— ——, assessors for the t of ——, in said county, do solemnly swear that the nexed assessment roll contains, as we verily believe complete and perfect entry and list of all real p erty liable to assessment for the present year said town or ward; the name of each person the owning or having in charge personal property liabl taxation; the name of each stockholder and the amo of his stock in each incorporated bank in said town ward; a correct description of the separated parcel

eal property assessed together last year, and now re-
uired to be assessed separately, with a proper divis-
on of the former consolidated valuation thereof; that
e have as far as practicable, valued each parcel of real
operty from an actual view of such parcel; that we
ve, as far as practicable, personally viewed and in-
ected each article of personal property assessed by us;
t the valuation of the real property, as set down in
l roll, is as determined by us, or as corrected by the
rd of review; that the valuation of personal prop-
and bank stock in said roll is as fixed by us, or
nally fixed by the board of review; that each and
y valuation of property made by us is the just and
itable valuation thereof, as we verily believe.
ead to the affiant, and subscribed and sworn to be-
me, this —— day of ——, A. D. 18—.
ECTION 2. This act shall be in force from and
r its passage and publication.
Approved March 14, 1873.

CHAPTER 167.

[*Published March* 21, 1873.]

N ACT to amend chapter two hundred and sixty-seven, pri-
vate and local laws of 1858, entitled an act to incorporate the
city of Stevens Point.

*he people of the state of Wisconsin, represented in senate
and assembly, do enact as follows:*

SECTION 1. Chapter two hundred and sixty-seven the private and local laws of 1858, entitled an act incorporate the city of Stevens Point, is hereby ended by adding thereto the following chapter to be mbered as chapter ten (10) of said act. Amended.

SECTION 2. The public schools of the city of Stevens Point shall be under the general management, trol and supervision of a board of education, con-ting of two persons from each ward, to be elected by e legal voters of the different wards of said city, such ections to be by ballot, and to be conducted in the me manner, except as herein otherwise provided, as provided by law for the election of school district ficers. The first election under this act to take place such place in the different wards and at such time

Board of education have supervision of schools.

The first election.

within thirty days after the passage of this act a
be directed by the present director of the scho
said city, he first giving at least one week's not
said election by publishing notice thereof in a ne
per published in the city of Stevens Point, an
posting three written or printed notices of such
tion in each of the wards of said city. The te
office of such board of education shall be for two
except the board first elected, whose term of office
continue till such time in July, 1875, as may b
termined by the board herein provided for, for t
ennial election of such board of education.

Term of office.

Shall organize.

SECTION 3. The members of the board of educ
shall, within ten days after such election and ann
thereafter, organize by electing of their number a
dent, clerk and treasurer of said board, and shall
power to fill any vacancy that may occur in said
or in the offices thereof.

Shall make annual report to the common council.

SECTION 4. The board of education of the c
Stevens Point shall report to the common coun
said city, on or before the first day of Septemb
each year, the amount of money required for th
port of schools in said city, and it shall be the du
said common council annually to levy and coll
tax (in addition to the tax to be levied for genera
purposes), upon all the taxable property of said
at the same time and in the same manner as othe
taxes are levied and collected by law, which, wit
other funds provided for the same purpose, sha
equal to the amount of money required by said
of education for the support of said schools: *pro*
that the said common council may, by a two-
vote, levy a tax for a greater or less amount for
purposes.

Duties of the president.

SECTION 5. It shall be the duty of the preside
said board of education to preside at all meetin
the board, he having a vote on all questions co
before said board, and his duties as such president
be, except as herein otherwise provided, the sa
the duties of school director, but in the absence o
president from any of the meetings of said boar
board may appoint a president *pro tem.*

Of the clerk and treasurer.

SECTION 6. The clerk and treasurer of said
shall respectively possess and exercise all the po
duties and privileges conferred by law upon the
and treasurer of a common school district, except
as the exercise of such powers and duties are cha
or may be inconsistent with the provisions of this

SECTION 7. The annual meeting of the said board of education shall be held on the last Monday of June each year, at ten o'clock A. M., at which time the clerk and treasurer shall make such reports to said board as are now required by law to be made at the annual meetings of school districts. The quarterly meetings of the board shall be held on the third Monday of July, the first Monday of October, January and April of each year, and they shall have power to adjourn from time to time. Special meetings of the board may be called by the president, or in his absence or illness, by the clerk, upon the written request of at least four members thereof or eight electors of the district, by personally notifying each member of the time and place of said meeting, or by leaving a written notice at the same at his residence or place of business, at least two days before the time appointed for such meeting.

The annual meeting.

Quarterly meetings.

Special meetings.

SECTION 8. The said board of education, and the president, clerk and treasurer thereof, shall respectively be liable to all the restrictions, penalties, forfeitures and fines imposed by law upon the board, director, clerk and treasurer of a common school district for neglect of duty or for illegal action, and the said board shall have all the powers and duties given by law to boards of common school districts.

Liabilities of the board.

SECTION 9. Immediately upon the election of the board of education, provided for by this act, the present board having control of said schools, consisting of director, clerk and treasurer, shall cease to act as such, and the sole control, supervision and management of said schools shall be vested in the board provided by this act, and the said director, clerk and treasurer shall, upon the order of the said board provided by this act, surrender to the person or persons duly authorized by said board to receive the same, all moneys, books, papers or other property belonging to or owned by the present school district No. one (1) of the city of Stevens Point, which order shall be his or their warrant therefor, and upon his or their refusal to deliver such moneys, books, papers or other property belonging to or owned by said school district, the said board are hereby authorized to institute legal proceedings to obtain the same.

Powers of the old board transferred to the new board.

SECTION 10. Nothing in this act contained shall be construed as taking away the general supervision of the schools from the county superintendent of schools of the county of Portage, but the same shall be under the general supervision, as heretofore.

Not to interfere with county superintendent.

SECTION 11. This act shall take effect and b
force from and after its passage.

Approved March 14, 1873.

CHAPTER 168.

[*Published March* 25, 18

AN ACT to provide for finishing the state capitol, prote
the same against fire, for the improvement of the capitol
and appropriating money to pay for the same

*The people of the state of Wisconsin, represented in s
and assembly, do enact as follows:*

May repair and complete capitol.

SECTION 1. The governor is hereby authorize
complete the state capitol, repair such parts as ma
necessary for health and comfort, build a coal v
and remove the steam boilers out of the capitol
reconstruct them in connection with the coal vaul

Construct water works.

SECTION 2. The governor is further authoriz
construct suitable works to bring water to the ca
to protect it in case of fire, and also for use abou
capitol and grounds in the park.

Let work to lowest bidder.

SECTION 3. The governor shall adopt suitable p
and let the work to the lowest bidder in all cases w
he shall deem for the interest of the state, and sha
quire the completion of the same on or before the
day of September next.

Park improvement to be completed.

SECTION 4. The park commissioners appointe
der an act to provide for the improvement of the
itol park, approved March 22, 1872, are hereby au
ized to complete the improvements according t
plan and plat established by and under said act, i
cordance with the requirements and provisions the
as soon as may be consistent with the proper con
ing of the work.

Appropriation.

SECTION 5. For the payment of the work nam
this act, as the same progresses, there is hereby a
priated out of the state treasury a sum sufficient to
for the same, not exceeding twenty-six thousand
hundred and fifty dollars, together with the ba
unexpended, heretofore appropriated to build the
fence, to be drawn on the warrant of the governor

SECTION 6. This act shall be in force from
after its passage.

Approved March 14, 1873.

CHAPTER 169.

[*Published March* 19, 1873.]

AN ACT to revise the charter of the city of Chippewa Falls.

people of the state of Wisconsin, represented in senate nd assembly, do enact as follows:

CHAPTER I.

HE CITY OF CHIPPEWA FALLS — ITS CORPORATE POWERS.

Shall be a municipal corporation.

Name and powers.

ECTION 1. All that district of country in the ty of Chippewa hereinafter described, shall be a by the name of Chippewa Falls, and the people inhabiting and those who shall inhabit said district l be a municipal corporation by the name of the city hippewa Falls, and shall have the general powers essed by municipal corporations at common law, in addition thereto, shall have and possess the powereinafter specifically granted, and the authorities of shall have perpetual succession, and shall be ca- e of contracting and being contracted with, suing and g sued, pleading and being impleaded, in all the ts of law and equity, and shall have a common and may change and alter the same at pleasure.

CHAPTER II.

CITY AND WARD BOUNDARIES.

City limits.

ECTION 1. The south half of section number y-one (31) and the southwest quarter of section y-two (32, of township number twenty-nine (29), e number eight (8); also east half of section numone (1) and all of lots numbered one (1) and two of section number twelve (12), in township number ty-eight (28), range number nine (9); all of section ber six (6) except lot number one (1) in said section; lot number four (4), in section number seven (7), lots number five (5) and six (6), and west half of hwest quarter and northeast quarter of northwest ter of section number (5), all in township number ty-eight (28), range number eight (8) west, shall

be included in and constitute the limits of the
Chippewa Falls.

Division into wards.

SECTION 2. The city shall be divided into t
wards, called first and second wards, limited and
ed as follows: All that portion of said city
north and east of a line drawn through the ce
Bridge street, lengthwise, shall constitute the first
and all that portion of said city lying south an
of a line drawn through the center of Bridge
lengthwise, shall constitute the second ward.

CHAPTER III.

ELECTIONS.

Time and place of annual election.

SECTION 1. The annual election for ward a
officers shall be held on the first Tuesday in April
year, at such place in each ward as the commo
cil shall designate; and the polls shall be ke
from nine o'clock in the forenoon till sundo
ten days' previous notice shall be given by the c
council of the time and place of holding such el
and of the city and ward officers to be elected.

Elective and other officers.

SECTION 2. The elective officers of said cit
be a mayor, a treasurer, a police justice for t
at large, three aldermen, one justice of the
and one constable for each ward, and one asse
each ward. The mayor, treasurer and police
shall be qualified voters and freeholders in t
city, and the ward officers shall be qualified vot
freeholders in the ward for which they were
All other officers necessary for the proper m
ment of the affairs of said city shall be appoi
the common council. All elective officers exc
tices of the peace shall, unless otherwise pr
hold their respective offices for one year, an
their successors are elected and qualified: *p*
however, the common council shall have power,
cause, to expel any of their own number, and
move from office any officer or agent under t
government, due notice being first given to the
complained of. The justices of the peace sha
their offices for two years, and until their su
are elected and qualified. The mayor sha
power to suspend any police officer or watchm
pointed by the council, when complained of, u
council shall take up his case and dispose of
shall also have power to fill any vacancy thus
for the time being.

Term of office.

ECTION 3. Whenever a vacancy shall occur in the e of mayor, treasurer, police justice or alderman, vacancy shall be filled by a new election, which l be ordered by the common council, within ten s after such vacancy shall occur. Any vacancy pening in any other office shall be filled by the mon council. The person elected or appointed to ny vacancy shall hold his office and discharge the es thereof for the unexpired term, and with the e rights and subject to the same liabilities as the on whose office he may be elected or appointed to

How vacancies filled.

ECTION 4. All elections by the people shall be by ot, and a plurality of votes shall constitute an election. en two or more candidates for an elective office l receive an equal number of votes for the same e, the election shall be determined by the casting of in the presence of the common council, at such e and in such manner as they shall direct.

Elections by ballot—tie vote.

ECTION 5. All persons entitled to vote for county ate officers, and who shall have resided in the city one year previous to the election, and for six months he ward where they offer to vote, shall be entitled ote for any officer entitled to be elected under this , and to hold any office hereby created.

Qualifications of voters.

ECTION 6. The election in said city shall be held conducted by the aldermen of each ward, who ll be the inspectors of elections in their respective ds, and shall take the usual oaths or affirmations as scribed by the general laws of this state, to be taken the judges and inspectors of elections, and shall e the power to appoint clerks of such elections, and administer the necessary oaths, and in case of the abce of any or all of the aldermen of the ward at the e for opening the polls, the voters present shall ct some person or persons to act in their places as inctors of election. Said election shall be held and ducted in the same manner and under the same alties, and vacancies in the board of inspectors reof filled as required by the laws of this state reding elections.

How election held and conducted.

SECTION 7. If either of the inspectors shall suspect t any person offering a vote does not possess the alifications of an elector, or if such vote be chalged by an elector, the inspectors, before receiving e vote of any such person, shall require him to take e following oath: "You do solemnly swear (or irm, as the case may be) that you are twenty-one ars of age, and that you are a citizen of the United

Challeng of voters.

Form of oath.

States (or have declared your intentions to beco
citizen, conformably with the laws of the United S
on the subject of naturalization); that you have re
within the state of Wisconsin one year, within thi
one year, and within this ward six months next
ceding this election, and that you have not voted a
election, and that you have made no bet or w
or become directly or indirectly interested in
bet or wager depending on the result of this
tion;" and if the person offering to vote shall
such oath falsely, he shall be deemed guilty of w
and corrupt perjury, and upon conviction thereof
indictment, shall suffer the punishment provided b
for persons guilty of perjury. If any person who
a qualified voter shall vote at any election or if any
son duly qualified shall vote in any other ward tha
one in which he resides, or shall vote more than
at any one election, he shall forfeit and pay a
not exceeding two hundred dollars, nor less
twenty-five dollars. It shall be the duty of
inspectors to keep a list of the names of all
sons whose votes may be challenged as aforesaid
who shall swear in their votes. And if any insp
shall knowingly and corruptly receive the
of any person not authorized to vote, or shall
out false returns of an election, or if any
shall not write down the name of every voter a
votes, or shall willfully make untrue and inco
counts and tallies of votes, each and every inspector
clerk shall be liable to indictment, and on convi
thereof shall severally forfeit and pay a sum not ex
ing five hundred dollars, nor less than one hun
dollars. All such indictments shall be tried in the ci
court of the county of Chippewa.

Penalty for false oath.

For illegal voting.

The counting, return and canvass of votes.

SECTION 8. When an election shall be closed, and
number of votes for each candidate or person vote
shall be counted and ascertained, the said inspe
shall make a return thereof, stating therein the nu
of votes for each person for each and every office,
shall deliver or cause to be delivered, such re
to the city clerk, within three days after any elec
The common council shall, on the fourth day
such election, meet and canvass said returns, and
clare the result as it appears from the same, and
city clerk shall forthwith give notice to each pe
elected of his respective election.

Special elections.

SECTION 9. Special elections to fill vacancie
for any other purpose, shall be held and conducte
the aldermen of each ward in the same manner

returns thereof shall be made in the same form and nner as general or annual elections, and within h time as may be prescribed by ordinance.

SECTION 10. Any officer removing from the city, any ward officer removing from the ward for hich he is elected, or any officer who shall neglect refuse for ten days after notice of his election or ppointment, to enter upon the discharge of the duties his office, shall be deemed to have vacated his office, nd the common council shall proceed to fill such va- ncy as herein provided. Removal of officers from city or ward.

SECTION 11. There shall be elected at the first ection under this act, one alderman for each ward, ho shall hold his office for three years, and thereafter each annual election, one alderman from each ward ho shall hold their offices for three years: *provided*, at the aldermen now elected for two years shall hold neir offices until the time for which they were respec- ively elected shall expire. Election and classification of aldermen.

SECTION 12. The mayor, alderman, treasurer, jus- tices, constables, members of the county board of su- pervisors from each ward, and assessor, elected on the fourth day of January, A. D. 1871, and the alderman whose term of office would expire on the first Monday of February, 1872, shall hold their offices until the second Tuesday in April, 1872; and the aldermen whose terms of office would expire on the first Monday f February, 1873, shall hold their offices until the sec- nd Tuesday in April, 1873; and the aldermen whose rms of office would expire on the first Monday of ebruary, 1874, shall hold their offices until the second uesday in April, 1874, or until their successors are ected and qualified. Terms of office fixed.

SECTION 13. The votes for aldermen and all other ctive officers shall be on one ballot, and shall be de- sited in one ballot box. The ballot.

SECTION 14. Should there be a failure by the peo- e to elect any officer herein required to be elected on e day designated, the common council may order a w election to be held, ten days' notice of the time d place of holding the election first being given. On failure to elect may order new election.

SECTION 15. The first election of officers under the rovisions of this act shall be held on the first Tues- ay of April, A. D. 1873: *provided*, that any officer eretofore elected for a longer term than one year, and whose term of office shall not have expired, shall retain is office for the full time for which he was elected. The first election under this act.

CHAPTER IV.

OFFICERS—THEIR POWERS AND DUTIES.

Shall take oath

SECTION 1. Every person elected or appointed
office under the provisions of this act, except ju
of the peace, shall, before he enters upon the
of his office, take and subscribe an oath of offic
file the same, duly certified by the officers takin
same, with the clerk of the city; and the treasurer,
marshal, constables, and such other officers as th
mon council may direct, shall severally, before
enter upon the duties of their respective offices
cute to the city of Chippewa Falls a bond, with a
two sureties, who shall swear that they are wo
the aggregate, the penalty specified in said bond
and above all debts, exemptions and liabilites, an
bonds shall contain such penal sum and such con
as the common council may deem proper; and the
from time to time, require new additional bonds,
move from office any officer refusing or neglecti
give the same.

Certain officers shall execute bonds.

The powers and duties of the mayor.

SECTION 2. The mayor shall, when present
side over the meetings of the common counc
take care that the laws of the state and the ordi
of the city are duly observed and enforced, an
all other executive officers of the city discharge
respective duties. He shall, from time to time
the common council such information and recom
such measures as he may deem advantageous
city. The mayor shall be the chief executive
and head of the police of the city, and in case of
or other disturbance, or apparent necessity, he m
point as many special or temporary constables
may deem necessary. The mayor shall have
only in case of a tie. The mayor shall have po
veto any ordinance or resolution passed by the
mon council, by notifying the common council
objections thereto, at any time within seven day
the passage of such ordinance or resolution. I
of no session of the council on any day after th
sage of the same, and before the expiration of the
seven days, such notification shall be made by
with the city clerk a copy of his objections; and i
the council shall not, within one week after the r
of such objections, or such filing with the clerk, re
such ordinance, or pass such resolution, by the
of two-thirds of the aldermen elect, the same sha

The veto power.

ull and void. No ordinance or resolution shall take
fect until one week after the passage of the same, un-
ss sooner approved in writing by the mayor or acting
ayor for the time being.

President of the council—his election and duties.

SECTION 3. At the first meeting of the common council
each year, they shall proceed to elect by ballot, one of
eir number president, and in the absence of the
yor, the said president shall preside over the meet-
s of the common council, and during the absence of
mayor from the city, or his inability for any reason to
harge the duties of his office, the said president shall
rcise all the powers and discharge all the duties
the mayor, except the signing of city bonds,
case the mayor and the president shall be absent at
meeting of the common council, they shall pro-
l to elect a temporary presiding officer, who for the
being, shall discharge all the duties of the mayor.
president, or temporary presiding officer, while
siding over the board, or performing the duties
he mayor, shall be styled acting mayor, and acts per-
ed by them or any of them, shall have the same
e and validity as if performed by the mayor,
epting the signing of the city bonds; and the said
mon council shall also, at their first meeting in
h year, elect a clerk and a marshall for the city,
a chief engineer and a first and second assistant
gineers of the fire department, who shall hold their
spective offices for the term of one year, and until
hers are elected and qualified.

The city clerk—his powers and duties.

SECTION 4. The clerk shall keep the corporate seal and
all the papers and records of the city, and keep a record of
e proceedings of the common council, at whose meet-
gs it shall be his duty to attend; and copies of all pa-
ers filed in his office and transcripts from the records of
e common council, certified by him to have been com-
red by him with the original, and to be a correct
nscript therefrom, under the corporate seal, shall be
idence in all courts in like manner as if the original
re produced. He shall draw and countersign all
lers on the treasury, in pursuance of any order or
olution of the common council, and keep a full and
urate account thereof, in books provided for that
rpose. He shall file in his office all chattel mort-
ges presented to him for that purpose, and the re-
wals thereof, and safely keep the same, receiving
erefor the same compensation as clerks of towns, and
l chattel mortgages so filed and the renewals thereof,
all be as valid and legal as if the same had been filed

in the town clerk's office in any town. The clerk
have power and authority to administer oaths or affi
tions.

Justices of the peace—their duties and jurisdiction.

SECTION 5. The justices of the peace elected u
this act shall have the same jurisdiction and pe
all the duties of the justice of the peace, and
qualify in the same manner as provided by the ge
laws of this state, except that the official bon
agreements shall be approved by a majority o
common council; and in addition thereto, they
have jurisdiction in all cases arising under this act
the ordinances, resolutions and by-laws passed by
city council unless therein otherwise provided, and
hold their offices in their respective wards for which
were elected. All constables elected by virtue of
act shall have and exercise the same powers
duties, and be subject to the same liabilities as co
bles of towns.

The city treasurer—his powers and duties.

SECTION 6. The treasurer of said city shall pe
such duties and exercise such powers as may be
fully required of him by the ordinances of said ci
the laws of this state. All moneys raised, received, r
ered or collected by means of any tax, license, pe
fine, forfeiture or otherwise, under the authority o
act, or which may belong to the said city, shall be
into the city treasury, and shall not be drawn there
except by an order issued by order of the common co
and signed by the mayor, and countersigned or att
by the clerk. He shall keep an accurate account
moneys or other things coming into his hands as
urer, in a book to be provided for that purpose,
shall remain the property of the city, wherein he
note the time when, and the person from whom
amount of the several sums was received, which
shall, at all reasonable times, be open to the inspe
of any person. He shall, every three months, a
often as the common council require, render to
council a minute account of the receipts and exp
tures of his office, and at the expiration of his offi
shall hand over to his successor all moneys, b
papers and property in his possession belonging t
city. The said treasurer shall also be a collect
taxes, and for his services receive the same comp
tion except as herein otherwise provided, and he
have the same powers and be subject to the same
bilities, and be governed by the same laws as treas
of towns: *provided*, that he shall receive no other
except the compensation hereinafter provided.

SECTION 7. The marshal shall attend all the meet- ings of the common council, and shall perform such du- ties as shall be prescribed by the common council for the preservation of the public peace, and collection of li- cense moneys and fines. He shall possess all the pow- ers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when neces- sary in criminal cases, or for the violation of any ordi- nance of said city or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city; to apprehend any person in the act of com- mitting any offense against any ordinance of said city or laws of this state, and, within reasonable time, bring such persons before competent authority for examina- tion; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. The city marshal—his powers and duties.

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensa- tion of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he was elected or appointed. The council may require other and further duties.

SECTION 9. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders. Shall designate official newspaper.

SECTION 10. The city printer or printers, immedi- ately after the publication of any notice, or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a Proof of publication.

copy of such publication, with his or their affidav
the affidavit of his or their foreman of the leng
time the same has been published, and such affi
shall be conclusive evidence of the publication of
notice, ordinance, by-law or resolution, and the
shall file the same in his office.

Delivery of books, etc., to successor in office.

SECTION 11. If any person having been an o
in said city, shall not, within ten days after notific
and request, deliver to his successor in office all
erty, books, papers and effects belonging to said
or pertaining to the office he may have held, he
forfeit and pay to the use of the city, one hundred
lars, besides all damages caused by his neglect o
fusal so to deliver; and such successor may rec
the possession of such books, papers and effects i
manner prescribed by the laws of this state.

Aldermen not to be interested in contracts.

SECTION 12. No alderman shall be a party t
interested in any job or contract with the city or
of the wards; and any contract in which any alde
may be so interested shall be null and void; an
case any money shall have been paid on any such
tract, the common council may sue for and recove
amount so paid, from the parties to such contract
the alderman interested in the same.

Peace officers—their powers.

SECTION 13. The mayor or acting mayor, sher
Chippewa county, and each and every alderman, p
justice, justices of the peace, marshal, under sheri
deputy sheriff of Chippewa county, constable, police
and watchman, shall be officers of the peace, and
command the peace, and suppress in a summary ma
all rioting and disorderly behavior within the limi
the city; and for such purposes may command th
sistance of all by-standers, and if need be, of all cit
and military companies. And if any person, by-sta
military officer or private citizen shall refuse to a
maintaining the peace when so required, every
person shall forfeit and pay a fine of fifty dollars;
in case when the civil power may be required to
press riots or disorderly behavior, the superior o
nior officer present in the order mentioned in this
tion shall direct the proceedings.

City surveyor—his duties.

SECTION 14. There may be elected by the com
council, a city surveyor, who shall be a practical
veyor and engineer. He shall keep his office at
convenient place within said city, and the com
council shall prescribe his duties and fix the fees
compensation for any services performed by him.
surveys, profiles, plans or estimates made by hi
the city or either of the wards, shall be the propert

aid city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or the common council.

The authority, powers and rights of the police justice.

SECTION 15. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace in which the city is a party; but warrants returnable before said justice may be issued in criminal cases by any other justice in the city, but no fees shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city of Chippewa Falls or its charter, or for a breach or violation of any such ordinance, by-law and regulation, and in all cases of offenses committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of Chippewa Falls, and the same proceedings shall be had in all civil and criminal suits before the justice, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace: *provided*, that in cases of prosecution for a breach or violation of an ordinance, by-law or regulation of said city or its charter or for any assault, battery or affray of the peace, or any affray not indictable committed within the city limits, no appeal shall be allowed when the judgment or fine imposed exclusive of costs, is less than fifty dollars. In all cases of conviction for assaults, batteries and affrays within the said city, and in all cases of conviction under any ordinance of said city for any breach of the peace, disorderly conduct, keeping houses of ill-fame or of frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, and said justice shall have power in addition to the fine or penalty imposed, to enter judgment for costs of prosecution against the defendant, and to compel such offenders to

Exclusive jurisdiction.

Prosecutions for assaults, etc.

May enter costs of prosecution.

give security for their good behavior, and to keep peace for a period not exceeding six months, and sum not exceeding five hundred dollars. The justice shall have the same power and authority case of contempt as a court of record: *provided*, nothing herein contained shall be deemed to divest circuit judges of their authority as conservators of peace, nor to affect in any manner the jurisdictio powers of the circuit courts or supreme court of state. In case of absence, sickness or other inab of such justice, or for any sufficient reason, the ma by warrant may authorize any justice of the p within said city to perform the duties of said jus for the city, and it shall thereupon be the duty of mayor to inform the city attorney and police of substitution, and make report thereof to the com council, and they may confirm or set aside such pointment, or appoint some other justice of the pe and the justice of the peace so appointed shall fo time being possess all the authority, powers and ri of said police justice. All fines and penalties imp by the police justice for offenses committed withi city limits, or for violation of any ordinance, by-la regulation of said city, shall belong to and be a pa the finance of said city.

Power in case of contempt.

May appoint substitute in case of absence, etc.

Fines to be a part of city funds.

Shall report proceedings to council.

SECTION 16. The police justice shall, as ofte the common council may require, report to the mon council all the proceedings instituted before in which the city is interested, and shall at the s time account for and pay over to the city treasure fines and penalties collected by him and belongi said city; and said justice shall be entitled to re from the county of Chippewa, such fees in si cases as are allowed to other justices in the count similar services.

CHAPTER V.

THE COMMON COUNCIL—ITS GENERAL POWERS DUTIES.

The council and their ordinances.

SECTION 1. The mayor and aldermen shall co tute the common council, and the style of all ordina shall be, "the mayor and common council of the ci Chippewa Falls do ordain," etc. The common co shall meet at such time and place as they by resolu shall direct. A majority of the aldermen shall co tute a quorum.

SECTION 2. The common council shall hold their first nual meeting in each year on the second Tuesday of ril, and thereafter, stated meetings, at such times they shall appoint, and the mayor may call special etings by notice to each of the members, to be served sonally, or left at their several places of abode. e common council shall determine the rules of its own ceedings, and be the judge of the election and qualifi- on of its own members, and have the power to com- the attendance of absent members.

Their annual and stated meetings.

SECTION 3. The common council shall have the man- ent and control of the finances, except school mon- and of all the other property in the city; and shall ise, in addition to the power herein vested in them, full power and authority to make, enact, ordain, lish, publish, enforce, alter, modify, amend and all such ordinances, rules, resolutions and by- for the government and good order of the city, for ppression of vice, for the prevention of crime, and e benefit of trade, commerce and health thereof, and force as they shall deem expedient, declaring and sing penalties, and so enforce the same against any on or persons who may violate any of the pro- ns of such ordinances, rules and by-laws, and such nances, rules and by-laws are hereby declared to and have the force of law: *provided*, that they be repugnant to the constitution and laws of the Uni- States or of this state; and for these purposes shall e authority, by ordinance, resolution or by-laws,

Their general and special powers.

st. To license, regulate, suppress and prohibit the ibition of common showmen or shows of any kind, the exhibition of caravans, circuses or theatrical per- mances, billiard tables, bowling saloons, nine or ten- alleys, and to provide for the abatement and re- val of all nuisances, under the ordinances of said city, laws of the state, or at common law, and may nt licenses for and regulate groceries, taverns, vict- ling houses, and all persons vending or dealing in rituous, vinous or fermented liquors, and may pro- bit and suppress the same: *provided*, that the license so dealing in or vending spirituous, vinous or fer- nted liquors shall not be less than one hundred dol- rs or more than three hundred dollars, and that all ch licenses hereafter granted shall run from the first y of May in each year: *provided, however*, that when y such license may be applied for after that date, e same may be granted, to expire on the said first y of May of each year, on the applicant paying pro

The license of shows and the sale of liquors.

rata therefor, but no license shall be granted
longer term or period than one year.

Prohibiting gambling, etc.

2d. To restrain, prohibit and suppress all de
tions of gambling and fraudulent devices and pra
and all playing of cards, dice or other games of ch
with or without betting, and to restrain, prohibit an
press any person or persons from vending, giving
or dealing in spirituous, fermented or vinous liquo
less duly licensed by the common council, and
cense, regulate and suppress hawkers and peddle

Prevent riots, etc.

3d. To prevent any riots, noise, disturbance
orderly assemblages, suppress and restrain diso
houses or groceries, and houses of ill-fame, and to a
ize the destruction of all instruments used for th
pose of gaming. No person shall be incapacita
excused from testifying touching any offense
mitted against any of the provisions of this act, o
ordinance of the city of Chippewa Falls, by rea
him or her being implicated in any such offens
the testimony of such witness shall in no case be
against such witness.

Abate nauseous places.

4th. To compel the owner or occupant of an
cery, cellar, tallow-chandler's shop, soap factor
nery, stable, barn, privy, sewer or other unwhol
or nauseous house or place, to cleanse, remove or
the same from time to time, as often as it m
necessary for the health, comfort and convenie
the inhabitants of said city.

Locate markets.

5th. To direct the location and managem
slaughter-houses and markets, and to establish
for and license venders of gunpowder, and re
the storage, keeping and conveying of gunpow
other combustible materials.

Prevent incumbering of streets.

6th. To prevent the encumbering of the s
sidewalks, lanes or alleys with railroad cars,
motives, engines, carriages, carts, wagons, sl
boxes, lumber, pine, wood, or any other materials o
stances whatever.

Horse racing.

7th. To prevent horse-racing, immoderate rid
driving in the streets, and to regulate the places of
ing and swimming in the waters within the lim
said city.

Restrain cattle.

8th. To restrain the running at large of
horses, swine, sheep, poultry and geese, and to a
ize the distraining of the same.

Dogs.

9th. To prevent the running at large of dog
to authorize the destruction of the same in a sum
manner, when at large contrary to the ordinances.

10th. To prevent any persons from bringing, depos- iting or having within said city, any putrid carcasses, or other unwholesome substances, and to require the re- moval of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Prevent deposit of putrid carcasses.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants; to erect lamps, and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coach- men, omnibus drivers, cabmen, cartmen, draymen, and others who may pursue like occupations in this city, and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise.

Public pounds, etc., and the license of hackmen, etc.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mor- tality, and to exempt burial grounds, set apart for pub- lic use, from taxation.

Establish boards of health.

13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread offered contrary thereto.

The weight of bread.

14th. To prevent all persons riding or driving any horse, mule, cattle or other animal on the sidewalks of said city, or in any way doing damage to said side- walks.

Prevent driving on sidewalks.

15th. To prevent the shooting of firearms or crack- ers, and to prevent the exhibition of any fireworks in a situation which may be considered by the council dangerous to the city or any property therein, or annoy- ing to any citizen thereof.

The shooting of fire-arms.

16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, proving and punishing any person or persons who may be guilty of the same.

Restrain drunkards.

17th. To restrain and regulate runners and solicit- ors for boats, vessels, stages, public houses or other establishments, and to establish and regulate the police in the city.

Runners, etc.

18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating said markets, and to restrain all persons from inter-

Establish markets.

rupting or interfering with the due observance of
rules and regulations.

License stalls.

19th. To license and regulate butchers' stalls,
and stands for the sale of game, poultry, bu
meat, butter, fish and other provisions.

Regulate weighing of hay.

20th. To regulate the place and manner of
ing and selling hay, and measuring and selling fu
lime, and to appoint suitable persons to super
and conduct the same, and to appoint fish insp
as herein provided, and to appoint a lumber and
gle inspector.

Removal of obstructions from sidewalks.

21st. To compel the owners and occupants of
ings and grounds to remove snow, dirt or rubbish
the sidewalks, streets or alleys opposite thereto,
compel such owner or occupant to remove from
owned or occupied by him, all such substances
board of health shall direct, and in his defa
authorize the removal or destruction thereof by
officer of the city, at the expense of such ow
occupant.

Prevent spreading of contagious diseases.

22d. To regulate, control and prevent the la
of persons from boats or vessels, wherein are cont
or infectious diseases or disorders, and to make suc
position of such persons as to preserve the hea
said city.

Public auctions

23d. To regulate the time, place and mann
holding public auctions or vendues.

Watchmen.

24th. To appoint watchmen and prescribe
duties.

Weights and measures.

25th. To provide by ordinance for a standa
weights and measures, and for the punishment
use false weights and measures.

Trees and monuments.

26th. To protect trees and monuments in said

Sewers.

27th. To prescribe and regulate the construct
sewers within said city.

Lay out streets.

28th. To lay out, make, open, keep in repair,
or discontinue any highways, streets, lanes and
and to keep them free from incumbrances and t
tect them from injury.

Change name.

29th. To alter or change the name of any str
the city.

The passage, amendment and repeal of ordinances.

30th. To make, ordain, amend and repeal all
ordinances, by-laws and police regulations, not con
to the constitution of this state, for the good orde
government of the city, and which may be nece
or expedient to carry into effect the powers vest
the mayor and common council, or any officer o
city, by this act or which may be vested in any
of said city by any ordinance thereof.

SECTION 4. All laws, ordinances, regulations and laws shall be passed by an affirmative vote of a ma- ty of the common council; and shall be signed by mayor, and shall, within fifteen days after their pas- , respectively, be published in the official paper or ers of said city once before the same shall be in force, within fifteen days thereafter, they shall be recorded he city clerk in books to be provided for that pur- ; but before any of the said laws, ordinances, regu- ns or by-laws shall be recorded, the publication eof, respectively, within the said time, shall be ed by the affidavit of the foreman or publisher of newspaper, and said affidavit shall be recorded with, and at all times shall be deemed and taken fficient evidence of the time and manner of such cation, and such record of such law, ordinance, lation or by-law, and the proof of such record certi- by the clerk, under the seal of the city, or any ed book containing the same, purporting to have published under the sanction of the mayor and cil, shall be *prima facie* evidence of the due pas- and publication of such law, ordinance, regula- or by-law. No appropriation shall be made with- vote of a majority of the members of the common cil in its favor.

Shall be passed by affirmative vote and be published.

How appropriations made.

CTION 5. The powers conferred upon the said council ovide for the abatement or removal of nuisances not bar or hinder suits, prosecutions or proceed- in the courts according to law. Depots, houses or ings of any kind wherein more than ten pounds npowder are deposited, stored or kept at any one gambling houses, houses of ill fame, disorderly ns and houses or places where spirituous, vinous mented liquors are sold without the license re- d thereof, within the limits of said city, are here- eclared and shall be deemed public or common nces.

Abatement of nuisances at common law.

CTION 6. The common council shall examine, audit djust the accounts of the clerk, treasurer, marshal, ll other officers or agents of the city, at such time y may deem proper, and also at the end of each year before the time for which the officers of the city are elected or appointed shall have expired. the common council shall require each and such officer and agent to exhibit his books, funds noneys, accounts and vouchers for such examina- and settlement, and if any such officer or agent refuse to comply with the orders of said coun- n the discharge of his said duties, in pursu-

The auditing and adjusting of accounts.

Exhibition of books.

ance of this section, or shall neglect or r
render his account or present his books, funds,
and vouchers to said council, it shall be the
the common council to declare the office of s
son vacant; and the common council shall ord
and proceedings at law against any officer or
said city who may be found delinquent or de
in his accounts, or in the discharge of his
duties, and shall make a full record of all adju
and settlements.

The corporate authority—how vested.

SECTION 7. The corporate authority of s
shall be vested in one principal officer, styled
in one board of aldermen consisting of three
from each ward, who, with the mayor shall be
inated the common council, together with such
ficers as may be created under this act.

CHAPTER VI.

FINANCE AND TAXATION.

Control of city funds.

SECTION 1. All funds in the treasury
school, state and county funds, shall be under
trol of the common council, and shall be dr
upon the order of the mayor and clerk, duly au
by a vote of the common council; and al
drawn upon the treasurer shall specify the pu
which they were drawn, and shall be pay
of any funds in the treasury belonging to the c
orders shall be receivable for all city taxes, exce
and special taxes for bridges and school purp
except taxes levied for the payment of the pri
interest of any outstanding bonds of said cit
shall be collected in money or in orders dra
such fund respectively, and all orders shall be
to the persons or to the order of the person
favor they may be drawn, or bearer.

City orders—for what receivable.

Annual levy of taxes.

SECTION 2. The common council of said c
annually levy upon the taxable property of
to defray the current expenses of said city, a
cient to defray expenses.

Not to issue bonds, nor overdraw on city treasurer.

SECTION 3. The common council of said
not have power to issue any bonds or other evi
debt payable at a day subsequent to the date of
thereof, except in cases specially authorized by
shall the common council issue in any one y
upon the city treasury to an amount grea
the amount of taxes which may be levied u

ovisions of this act: *provided*, that whenever it shall necessary to build or repair bridges, a special tax ay be levied for such purpose, not exceeding three housand dollars in any one year, and the said taxes, hen so levied, shall be collected at the same time as ther city taxes are collected. Special bridge tax.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting, for the purpose of paying the interest or principal of any outstanding bonds now due or hereafter to become due, issued by the city of Chippewa Falls, or which may hereafter be issued by said city, by authority of law: *provided, however*, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; said taxes when so levied shall be collected at the same time other city taxes are collected. For interest and principal on bonds. Limit of such tax.

SECTION 5. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf. Accounts to be verified.

SECTION 6. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Chippewa, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court. If account is disallowed, claimant may appeal.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before the council, with their decision thereon, and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of the circuit court for the county of Chippewa, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner: *provided, however*, that whenever an appeal is taken from the allowance Notice of appeal and return of proceedings. Limit of amount of recovery.

made by said common council upon any claim, a
recovery upon such appeal shall not exceed the s
allowed by said council, exclusive of interes
such allowance, the appellant shall pay the cost
peal, which shall be deducted from the amount
recovery; and when the amount of costs exce
sum recovered, judgment shall be rendered agai
pellant for the amount of such excess.

Actions against the city.

SECTION 8. No action shall hereafter be mai
by any person against the city of Chippewa Fall
any claim or demand other than a city bond or
unless such person shall first have presented hi
to the common council of said city.

Determination of council to be conclusive.

SECTION 9. The determination of the commo
cil disallowing in whole or in part, any claim
person, shall be final and conclusive, and a pe
bar to any action in any court founded on such
unless an appeal shall be taken from the decisi
determination of such common council as herei
provided, or unless such council shall conse
agree to the institution and maintenance of an
by such claimant against the city: *provided*, *h*
that when the common council shall refuse or
to act upon any claim duly presented to the
chapter shall not be so construed as to prevent
stitution and maintenance of an action by said cl
against said city.

CHAPTER VII.

OPENING OF STREETS AND ALLEYS.

Proceedings for laying out streets, squares, etc.

SECTION 1. The common council shall have
to lay out public squares, grounds, streets and
and to widen the same, as follows: Whenever
more freeholders residing in any ward shall, b
tion, represent to the common council that it is
sary to take certain lands within the ward where s
titioners may reside for the public use, for the pur
laying out public squares, grounds, streets or all
the enlarging of the same, the courses and dis
metes and bounds of the lands proposed to be
together with the names and residences of the ow
such premises, if the same shall be known to such
tioners, to be set forth in said petition, the co
council shall thereupon cause notice of such a
tion to be given to the occupant or occupants o
land, if any there be, or if any portion of said
shall not be in the actual occupation of any p

hen the common council shall cause such notice, describing, as near as may be, the premises proposed o be taken, to be published in the official paper or pa- ers four weeks successively, at least once in each week.

What notice to contain.

SECTION 2. Such notice shall state that upon a day herein to be named, not less than ten days from the ervice of such notice, or the expiration of such publi- ation, as the case may be, application will be made to e county judge or court commissioner for the county Chippewa, for the appointment of twelve jurors to ew said premises, and to determine whether it will be cessary or take the same for the purpose specified in d petition.

Judge shall appoint jurors to view premises.

SECTION 3. Upon the presentation of such appli- ion, and upon proof of the publication or service of notice hereinbefore required, the said judge or rt commissioner shall thereupon appoint twelve rep- ble freeholders, residents of said city, but not dents of the ward in which said premises may nor interested in the result of such application. said judge or court commissioner shall there- n issue his precept, directed to said jurors, re- ing them within ten days to view the premises to pecified in said precept, and to make returns under r hands to the common council whether, in their gment, it is necessary to take said premises for the oses specified in such application, and the said jur- before entering upon the discharge of their duties, l take and subscribe an oath faithfully and impar- y to discharge their duties as such jurors in the prem- which oath may be administered by any person au- ized to administer oaths, which shall be filed in the e of the city clerk.

Service and return of precept.

ECTION 4. The city marshal shall serve his pre- immediately on the jurors therein named, by read- the same to every one that can be found; and im- iately after such service, he shall return the said cept to the judge or court commissioner who issued same, together with his doings thereon.

Judge shall fill vacancies.

ECTION 5. If any of the jurors so appointed can- be found, or shall be disqualified from acting, or l refuse to act, the judge or court commissioner l appoint others in their places, and a memo- dum of such substitution shall be endorsed on the cept.

Shall administer oath.

ECTION 6. The said judge or court commissioner, ny justice of the peace, shall thereupon administer oath to said jurors, that they are freeholders of said , and not interested in the premises proposed to be

taken, and that they will faithfully and impartial
charge the trust reposed in them.

Jurors shall view premises and make report.

SECTION 7. The said jurors, at such time a
shall agree upon, shall proceed in a body to vie
premises in question, and shall hear such testim
shall be offered by any party interested, which
mony shall be reduced to writing by one of the j
and either of the jurors shall be authorized to adm
the necessary oaths to the witnesses. After viewi
premises in question, and hearing such testim
may be offered, the jurors shall make a report o
proceedings, which shall be signed by them r
ively, and which shall state whether, in their jud
it is necessary to take the premises in question f
public use, which said report, testimony and p
shall be returned to the common council wit

Confirmation of report and order to again view premises.

time limited in said precept. Should the jurors
that it is necessary to take the premises, the co
council shall enter an order among their proce
confirming said report, and directing the same
within twenty days thereafter or such future t
shall be necessary, to again view said premises f
purpose of ascertaining and determining the amo
the damages to be paid to the owner or owners
property proposedto be taken, and to assess and
within the time limited, such damages to the co

May appoint new jurors.

council. And after the jurors shall have made th
port as to the taking of any lands or premises
this act, and the same shall have been confirme
common council shall have power to appoin
jurors, in the place of any who shall neglect or
to serve, in ascertaining the amount of compensa
above; and all the jurors, before entering upon t
charge of their duties in the premises, shall se
take an oath before some competent officer, tha
are freeholders in said city, and are not interested
premises to be taken, and that they will faithful
impartially discharge the trust reposed in them.

Value of buildings to be determined.

SECTION 8. If there should be any build
whole or in part, upon the land to be taken, the
before proceeding to make their assessment, sha
estimate and determine the value of such buil
the owner, aside from the value of the land, a
injury to him in having such building taken fro
and, secondly, the value of such building to
remove.

Notice of determination to be given.

SECTION 9. At least ten days' personal no
such determination shall be given to the owner
agent, if known, and a resident of the city, or

sual place of abode. If not known, or a non-
ent, notice to all parties interested shall be given
ublication in the official paper or papers of said
three successive weeks. Such notice shall specify
building and the award of the jurors. It shall re-
e the parties interested to appear by a day therein
ed, or give notice of their election to the common
ncil, either to accept the award of the jurors and
w such building to be taken with the land appro-
ted, or their intention to remove such building. He
l have such time for this purpose as the common
ncil may allow.

When may sell building.

ECTION 10. If the owner shall refuse to take the
ding at the value to remove, or fail to give notice
is election as aforesaid within the time prescribed,
common council shall have power to direct the sale
uch building at public auction for cash, giving ten
s' notice of such sale. The proceeds shall be paid
he owner, or deposited to his use.

Final assessment of damages and benefits by the jurors.

ECTION 11. The said jurors, within the time lim-
, shall view and examine the premises proposed to
aken, and all such premises as will, in their judg-
t, be injured or benefited thereby. After hearing
testimony as may be offered by any party inter-
d, and which shall be reduced to writing by one of
jurors, they shall proceed to make their assessment,
to determine and appraise to the owner or owners
actual value in money of the real estate so proposed
e taken, and the injury arising to them respective-
n consequence of the taking thereof, which shall be
arded to such owners respectivly as damages. In
estimates of the damages to the land, the jurors shall
lude the value of the building or buildings (if the
perty of the owner of such lands), as estimated by
m as aforesaid, less the proceeds of the sale thereof,
if taken by the owner at the value to remove, in such
e, they shall only include the difference between
ch value and the whole estimated value of such build-
g or buildings, according to section eight of this
apter.

When lands are held by different owners, or incumbered.

SECTION 12. If the lands or buildings belong to dif-
ent persons, or if the land be subject to lease, judg-
ent or mortgage, or if there be any estate in it less
an an estate in fee, the injury done to such persons or
terests respectively, shall be awarded to them by the
rors.

Award to be signed and returned.

SECTION 13. The award of said jurors shall be
gned by them, and returned, together with the testi-

mony taken, and the precept, to the common c within the time limited in such precept.

Any person may appeal from award.

SECTION 14. Any person whose property is or against whom any assessment is made may, ten days from the return of the jurors to th mon council, appeal from said assessment of da to the circuit court of Chippewa county, by cau written notice of such appeal to be served on th of said city, and executing a bond in the mann scribed in section six of chapter five of this a such appeal shall be tried by the court and jur ordinary cases. The common council shall als the right to appeal, by filing with the clerk a thereof within ten days, as aforesaid.

Damages to be paid before land is appropriated.

SECTION 15. The land required to be taken purposes mentioned in this act shall not be ap ated until the damages awarded therefor to the thereof shall be paid or tendered to the owner agent, or in case the said owner or agent cannot be or is unknown, deposited to his or their credit in so place of deposit, and then and not before, suc may be taken and appropriated for the purpo quired, and the same shall thereafter be subject the laws and ordinances of the city, in the sam ner as streets, alleys and public grounds opened out.

To be paid within one year.

SECTION 16. The damages assessed shall b or tendered or deposited as herein required, wit year from the confirmation of such assessm report; and if not so paid, tendered or depos the proceedings in any such case shall be void.

When paid, council to take land.

SECTION 17. The city may pay or tender or as herein required, at any time within one year f confirmation of such assessment, and report the d assessed in any such case; and whenever sai ages have been so paid, tendered or deposited, be the duty of the common council to enter a among their proceedings, to take and appropria lands for the purposes required.

Lease or contract not to hinder taking of land.

SECTION 18. When the whole of any tract or other premises, under lease or other c shall be taken by virtue of this act, all the cov contracts or engagements between landlord and or any other contracting parties, touching the s any part thereof, shall upon the confirmation c report, respectively cease and be absolutely disc

If only a part is under lease, how adjusted.

SECTION 19. When only a part of a lot or land or other premises so under lease or other c shall be taken for any of the purposes aforesaid,

venants, contracts or agreements respecting the same, on the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but all remain valid as to the residue thereof, and the ts, considerations and payments reserved, payable, d to be paid for or in respect to the same, shall be proportioned so that the part thereof justly and equi- ly payable for such residue thereof, and no more, ll be paid or recoverable for or in respect to the me.

How give notice to infants or non-residents.

SECTION 20. When any known owner of lands or ements affected by any proceedings under this act ll be an infant, or labor under legal disability, the ge of the circuit court of Chippewa county, or in absence, the judge of any court of record in said nty, may, upon the application of the common ncil, or such party or his next friend, appoint a ardian for such party, and all notices required by is act shall be served upon such guardian.

Shall cause survey to be made.

SECTION 21. Whenever any public grounds, street alley shall be laid out, widened or enlarged, under provisions of this chapter, the common council all cause an accurate survey and profile thereof to be ade and filed in the office of the city clerk.

CHAPTER VIII.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

Assessment, levy, and collection of taxes.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessors elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

Notice for hearing objections.

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment,

and after hearing the same, the assessor shall make alterations or reductions as justice or equity sha quire: *provided*, the time of hearing of such objec shall not be more than one week from the expir of such notice.

Return and equalization of assessments.

SECTION 3. Within one week after the time li for the hearing of such objections, the assessors sh turn the said assessment roll to the board of equali of the city. The board of equalization may s omissions in said roll, and for the purpose of eq ing the same, may alter and add to, take from and wise revise and correct the same: *provided, ho* the board of equalization shall not have the powe crease the amount of said roll, except by the va such real property as may have been omitted assessors.

Additional assessments for omissions in previous years.

SECTION 4. If it shall appear to the assessor any lot or parcel of land was omitted in the asses roll of either or both of the preceding two year that the same was then liable to taxation, he sh addition to the assessment of that year, assess up lot or tract so omitted, for such year or years shall have been so omitted, the just value thereo ing the year when such omission occurred, and assessment shall have the same force and effec would have had if made the year when the san omitted; and the common council shall direct, dition to the tax for the current year, such tax levied upon such lot or tract as the same would been chargeable with had not the same been so on and such tax shall be collected as other taxes or ments for the current year. All lands shall be s to taxes that may have been omitted, in whose hands they may have come. Should the tax or ment upon any parcel of land be set aside or de void by reason of any defect or informality in sessing, levying, selling or conveying of the san not affecting the equity and justice of the tax its common council shall cause the tax or assessm set aside or declared void, to be relevied in such ner as they shall by ordinance direct: *provided*, the defect was in the assessment, the same sh again assessed at such time as the common c shall direct, and the said tax or assessment so as shall be levied and continue a lien upon such tract, and shall be collected as other taxes and ments are collected under this act.

If tax is set aside, it may be relevied.

Meeting of the board of equalization.

SECTION 5. The mayor, city clerk, city treasu the assessors shall constitute the city board of eq

tion, and shall meet at the office of the city clerk on the first Monday of July, each and every year, at nine o'clock n the forenoon, and shall proceed in all respects as n boards are by law required to proceed, so far as same is applicable, reviewing, correcting and equal- ng the assessment rolls of the several wards in the y. The mayor shall be president of the board of ualization, and the city clerk the clerk thereof.

SECTION 6. When the assessment roll shall have en revised and corrected, the same shall be filed with e clerk. Thereupon the common council shall, by res- ution, levy such sum or sums of money as may be suffi- ent for the several purposes for which taxes are herein thorized to be levied, but not exceeding the author- d per centage, particularly specifying the purposes which the same are levied.

Levy upon the assessment roll.

SECTION 7. All changes of assessment rolls by the rd of equalization shall be duly recorded by the clerk.

Changes to be recorded.

SECTION 8. All taxes and assessments, general or cial, levied under this act, shall be and remain a upon the lands and tenements upon which they be assessed, from the time of the confirmation of assessment roll, and on all personal property ny person or body politic assessed for personal taxes, the delivery of the warrant for the collection eof until such taxes shall be paid, and no sale or sfer of such real or personal estate shall affect said ; any personal property belonging to the person d may be taken and sold for the payment of taxes n real or personal property.

Taxes to be and remain a lien on real estate.

SECTION 9. It shall be the duty of the city clerk, nediately upon the reception of the corrected assess- nt roll, and a certificate of the amount of state, nty and school tax apportioned to said city, to cal- ate and carry out the total amount of such taxes, to- her with all the city and other local taxes, adding reto five per cent. for the expense of collection, in additional column prepared for that purpose in the as- sment roll, setting down opposite the several sums set wn, as the valuation of real and personal property, respective sums assessed as taxes thereon, in dol- and cents, rejecting the fraction of a cent when less n one-half, otherwise reckoning said fraction as a .

City clerk to calculate and carry out tax.

SECTION 10. The said city clerk shall immediately e out a duplicate copy of such assessment roll en thus completed, and deliver the same to the treas-

To make out duplicate copy.

urer on or before the second Monday in Decemb
each year.

Shall affix warrant.

SECTION 11. To each assessment roll so delive
warrant, under the hand of the city clerk, and th
porate seal of said city shall be annexed, substan
in the following form:

Form of tax warrant.

THE STATE OF WISCONSIN—

To the city treasurer of the city of Chippewa Falls
county of Chippewa:

You are hereby commanded to collect from ea
of the persons and corporations named in the an
assessment roll, and of the owners of the real
described therein, the taxes set down in such r
posite to their respective names, and to the s
parcels of land therein described; and in cas
person and corporation upon whom any such tax
posed shall refuse or neglect to pay the same
are to levy and collect the same by distress an
of the goods and chattels of the person or co
tion so taxed; and out of the moneys so to b
lected, after deducting your fees, you are first
the treasurer of said county, on or before th
Monday of January next, the sum of ——, fo
taxes, and the further sum of —— for county
and the balance of said money you are required
tain and pay out, according to law; and in cas
taxes and assessments shall not be paid the fourth
day of February next, you are required to retu
same to the county treasurer of the said cou
Chippewa.

Given under my hand and the corporate seal o
city, this —— day of ——, 18—.

—— ——, City Cle

Tax roll and warrant to be evidence.

SECTION 12. The said assessment roll and w
thereto attached shall be *prima facie* evidence
courts that the lands and persons therein named
subject to taxation, and that the assessment wa
and equal.

General laws to apply.

SECTION 13. All the general laws of this state
are now or may hereafter be in force relative to t
sessment and collection of taxes, shall be in fo
said city, except as otherwise herein specially pro
and the city treasurer shall proceed to collect the
and all assessments of said city in the same mann
is required by law of the town treasurers to c
taxes, except as herein provided.

SECTION 14. Upon the receipt of any tax roll and rrant by the treasurer, he shall give public notice in newspaper published in said city, that such tax list escribing for what purpose such taxes are levied) has en committed to him for collection, and that he will eive payment for taxes at his office for the term of rty days next ensuing the date of said notice. If taxes are not paid within said time, he shall then ceed to collect the same by distress and sale of the ds and chattels of the persons charged, giving at t six days' notice of the time and place of such sale, posting up not less than three written notices in as ny public places in said city.

Treasurer to give notice of receipt of tax roll.

Delinquent lots subject to sale.

SECTION 15. The treasurer shall be entitled to re- e and collect as fees for the collection of taxes, two cent. upon all taxes collected by or paid to him r to the second Monday of January in each year, five per cent. upon all taxes or assessments paid r collected by him after the said second Monday in uary; and in case of a distress and sale made by of goods and chattels for the payment of any tax, hall be entitled to receive such fees as are allowed tables on sales of goods upon execution; the city surer shall collect the fees hereinbefore prescribed, shall keep in a book to be provided for that pur-, a true account and statement of all fees by him ived as city treasurer from any source whatever, such book shall be open at all reasonable times he inspection of any person; and the city treasurer l, when required, make report to the common ncil, duly certified on oath, of all fees or other neys received by him as treasurer, and he shall re- e no other or further compensation for his services reasurer, than as hereinbefore provided, except that common council shall provide him all necessary ks, blanks and stationery requisite to the discharge his duties.

Treasurer's fees for the collection of taxes, the sale of delinquent lots—and the issuing of certificates for the same.

SECTION 16. The treasurer shall, on or before the rd Monday of January in each year, pay to the nty treasurer the state tax assessed upon the lots l tracts of land and personal property in said city.

Shall pay over state tax.

SECTION 17. All the directions hereby given for the essing of lands and the levying and collecting of xes and assessments shall be deemed only directory, d no error or informality in the proceedings of any the officers intrusted with the same, not affecting the bstantial justice of the tax itself, shall vitiate or in y wise affect the validity of the tax or assessment.

Default of officer not to invalidate tax.

Shall pay or tender all taxes before commencing suit to set aside sale.

SECTION 18. No person shall be permitted to tute any proceedings to set aside any assessment cial tax hereafter levied or assessed upon any tract, or to set aside, or to set up or interpose a jections to the title derived by virtue of any tax executed in consequence of the non-payment o taxes, and of the sale of the premises therefor, such persons shall first pay or tender to the party, or deposit for his use with the city treasur amount of all state, county and city taxes remain unpaid upon such lot or tract, togethe the interest and charges thereon.

Shall proceed according to revised statutes in enforcing collections.

SECTION 19. In case the city treasurer is un collect any tax assessed upon any personal pr and payable by any person named in the tax l shall proceed in all things according to chapter een of the revised statutes of this state, and th amendatory thereto, in bringing such delinquent before some justice of the peace, and such proce shall be had as are provided by said chapter eig and as are prescribed by chapter one hundred an ty-eight of the general laws of 1860, and any a may be hereafter passed amendatory to said acts addition thereto.

CHAPTER IX.

FIRE DEPARTMENT.

May prescribe fire limits.

SECTION 1. The common council, for the p of guarding against the calamities of fire, shall ha power to prescribe the limits within which w building or buildings of other materials that sha be considered fire-proof, shall not be erected or re and to direct that all and every building with limits prescribed shall be made and constructed proof materials, and to prohibit the repairing or re ing of wooden buildings within the fire limits, the same shall have been damaged to the ext fifty per cent. of the value thereof, and to prescri manner of ascertaining such damage, and to pr the penalties for the violation of any resolution o nance passed under this section.

May take precautionary measures to prevent fires.

SECTION 2. The common council shall have the to prevent the dangerous construction and condit chimneys, fire-places, hearths, stoves, stove-pipes, boilers and apparatus used in and about any bu and to cause the same to be removed or placed in

d secure condition, when considered dangerous; to
event the deposit of ashes in unsafe places; to re-
uire the inhabitants to provide as many fire buckets,
d in such manner and time as they shall prescribe,
d to regulate the use of them in time of fire; to reg-
ate and prevent the carrying on of manufactures,
ngerous in causing or promoting fire; to reg-
ate and prevent the use of fireworks and firearms;
compel the owners and occupants of buildings to
ve scuttles in the roof, and stairs or ladders leading
the same; to authorize the mayor, aldermen, fire
rdens and other officers of the city to keep away
om the vicinity of a fire all idle and suspected per-
ns, and to compel all bystanders to aid in the extin-
ishment of fires and in the preservation of property
posed to danger thereat, and generally to establish
ch regulations for the prevention and extinguishment
fires as the common council may deem expedient,
d to provide penalties for the violation of any reso-
tion or ordinance passed under this section.

SECTION 3. The common council shall have full wer to purchase fire engines and other fire apparatus, d to authorize the formation of fire engine, hook d ladder and hose companies, and to provide for the e and proper support and regulation of the same, and order such companies to be disbanded, and their etings to be prohibited and their apparatus to be de-ered up. Each company shall not exceed seventy e bodied men, between the ages of eighteen and fifty rs, and may elect its own officers, except chief en-eer and assistant engineers, who shall be appointed the council, and form its own by-laws, not incon-ent with the laws of this state or the ordinances l regulations of said city, and shall be formed y by voluntary enlistments. Every member of d company hereby authorized to be formed shall exempt from highway work and poll tax, and from ving on juries and military duty except in case war, insurrection or invasion, during the contin-nce of such membership; and any person having ved for the term of ten years, in either of such com-nies, shall be forever thereafter exempt from poll tax, d military and jury duty, except as in cases before entioned.

May authorize the formation of fire companies, etc.

Exemption of firemen.

SECTION 4. The mayor shall appoint two fire war-ens for each ward, subject to confirmation by the com-on council, who shall perform such duties as the ommon council may prescribe, and they may at any

Meeting for election of officers.

time enter into any building, house, store, barn
closure for the purpose of inspecting the same.

Fines appropriated.

SECTION 5. One half of the net proceeds
fines and penalties recovered and collected fo
breach of any ordinance, by-law or regulation m
pursuance of this chapter, shall be paid by the
treasurer to the fire department.

Arrest for disobeying orders at fires.

SECTION 6. When any person shall refuse to
the lawful order of any engineer, fire warden or
man of the city, the mayor or city marshal at an
it shall be lawful for the officer giving such ord
arrest or direct orally the marshal, constable or
man or any citizen. to arrest such person, and to
fine him temporarily in any safe place until suc
shall be extinguished; and in the same manner
officers or any of them may arrest or direct the
and confinement of any person at such fire wh
be intoxicated or disorderly; and any person
shall refuse to arrest or aid in arresting any pers
refusing, shall be liable to such penalty as the co
council may prescribe, not exceeding twenty doll

Organization of a sack company—its duties.

SECTION 7. The common council shall have
to organize a sack company, or to countenance
such company now organized, which shall be kno
such name as they may select, and shall consist o
more than than thirty members. Such company
constitute a part of the fire department, and a
shall be subject to the control of the engineers.
members of said company, either collectively or
vidually, are hereby authorized and empowered
as a special police in and for the city of Chippewa
and are hereby vested with all the power and aut
which now is or may hereafter be vested in any
police officer of said city, and shall be entitled
the rights and immunities of members of the fi
partment, except exemption from jury duty. At
they shall take charge of all property which m
exposed or endangered, and shall, as far as it m
in their power, preserve the same from injury
struction. Such company may, from time to
adopt such by-laws as they deem necessary, not i
sistent with the laws of this state or the ordinanc
said city. The members thereof shall not be en
to any compensation for any service rendered in
official capacity. They shall, in case of riot or oth
turbances of the peace, have access to all licensed
of amusement in the city, and shall perform suc
vices as may be necessary for the peace and good
of the same.

May adopt by-laws.

SECTION 8. The treasurer of the fire department ll receive and pay out all moneys belonging to said artment, and shall secure the faithful perform- e of his duty by his bond to said city, in such pe- l sum as shall be required, and with sureties, to be proved by the common council. Such moneys shall ly be paid out on orders signed by the chief engi- er or acting chief engineer and countersigned by the erk of said department.

Treasurer to give bond.

SECTION 9. There shall be elected by the members f each company aforesaid, annually, at their annual eetings, a clerk or secretary and a treasurer, who hall, on or before the first Monday of May in each ear, return to the city clerk a list containing the name f each member of their respective companies; and hen any member of either of said companies shall ease to be a member thereof by resignation, expul- on or otherwise, notice thereof shall be given to the ty clerk.

Secretary—his duties.

SECTION 10. The city clerk is hereby required to keep record of the members of the several companies organ- zed under this chapter, and such record shall consist of e returns made by the several clerks or secretaries, as ove provided; and no person shall be exempt from ry duty unless the name is entered on such list. In se any person shall, for any cause, cease to be a mem- er of either of said companies, the clerk shall note at fact on the list thereof, and shall return to the clerk board of supervisors of the county of Chippewa, t of all persons who are members of either or all of companies exempt from jury duty, on or before ay now appointed, or which may hereafter be ap- ted for the annual meetings of said board, and board shall not place the names of such persons he jury list for the ensuing year.

City clerk to keep record of members.

CHAPTER X.

ACTION TO RECOVER PENALTIES, ETC.

SECTION 1. All actions brought to recover any pen- alty or forfeiture under this act, or the ordinances, by- laws, or police or health regulations, made in pur- suance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act or the section of the ordinance, by-law or regulations under which the penalty or for-

Actions to recover penalties.

feiture is claimed, and to give the special mat
evidence under it.

First process to be summons.

SECTION 2. In all prosecutions for any vio
of any of the provisions of this act or any b
ordinance or regulation, the first process shall
summons, unless oath be made for a warrant
criminal cases before justices of the peace und
general statutes of the state for the time being.

Form of summons

SECTION 3. When the action is commenc
summons, such summons may be substantially
following form:

COUNTY OF CHIPPEWA—*City of Chippewa Fall*

The state of Wisconsin, to the sheriff or any cons
said county, or to the marshal of the city of
pewa Falls:

You are hereby commanded to summon A. B
shall be found within your county, to appear
the undersigned, one of the justices of the peace
for said city, at my office in said city, on the ——
——, 18—, at — o'clock in the ——noon, to an
the city of Chippewa Falls in a plea of debt, to th
age of said city, one hundred dollars or under.

Given under my hand, at the said city, this —
of —— 18—. C. D., *Justice of the P*

How made returnable.

SECTION 4. Such summons shall be made retu
and be served in the same manner as is now or he
may be prescribed by the laws of the state for th
mencement of actions before justices of the peace b
mons; and all proceedings in the action, exc
hereinafter provided, shall be governed by the
the state for the time being, relative to actions
menced by summons, and triable before justices
peace.

Form of complaint.

SECTION 5. When action is commenced b
mons, the complaint may be substantially in t
lowing form:

THE CITY OF CHIPPEWA FALLS against A. B.

In justice's court, before C. D., Ju

The plaintiff complains against the defenda
that the defendant, on the —— day of ——, 1
the said city, did violate (section —— of chapt
of this act, or section —— of an ordinance or
or regulation of said city, describing it by its
which said —— is now in force. By reason of suc
tion, an action hath accrued to the city of Ch

lla, to recover of the defendant the sum of —— dol-
s debt. Wherefore the plaintiff demands judgment
ainst the defendant for the sum aforesaid, besides the
sts of this action.

SECTION 6. In all cases where oath is made for a
arrant for the complaint, it shall be made on oath of the
mplainant, and no other affidavit shall be necessary,
hich last mentioned complaint may be substanlially
the following form:

Form of affidavit for a warrant.

HE CITY OF CHIPPEWA FALLS against A. B.

In justice's court, before C. D., justice.

OUNTY OF CHIPPEWA—ss.

——, being duly sworn, complains on oath to
D., one of the justices of the peace in and for the city
Chippewa Falls, in said county, that A. B., on the
day of ——, 18—, at said city, did violate (section —
chapter — of this act, or section — of an ordinance
by-law or regulation of said city, describing it by
title,) which said — is now in force, as this com-
ainant verily believes; and prays that the said A.
may be arrested and held to answer to said city of
ippewa Falls therefor.
Subscribed and sworn to before me, this —— day of
—, 18—.

It shall be sufficient to give the number of the sec-
n and chapter of this act, or the section of the ordi-
nce, by-law or regulation violated in the foregoing
ms of complaint, and said complaint may be sworn
before any officer authorized to administer oaths.
on the filing of such complaint with the justice
the peace, he shall issue a warrant, substantially in
e following form:

What complaint shall set out.

OUNTY OF CHIPPEWA, *City of Chippewa Falls*—ss.

*he State of Wisconsin, to the sheriff or any constable
of said county, and to the marshal of the city of Chip-
pewa Falls, greeting:*

Form of warrant.

WHEREAS, —— —— has this day complained to me
n writing, on oath, that A. B. on the —— day of
——, 18—, at said city, did violate section ——
of chapter —— of this act, or section —— of an ordi-
nance or by-law or regulation of said city, describing
it by its title, which said —— —— is now in full force
as the complainant believes; therefore, you are com-
manded to arrest the body of said A. B., and bring him

before me forthwith, to answer to the city of Chi
Falls on the complaint aforesaid.

C. D., *Justice of the P*

Proceedings upon return of warrant.

Upon return of the warrant, the justice may p
summarily with the case, unless it be adjourn
consent or for cause. If the case be adjourned, t
fendant, if required by the court so to do, shall
nize with security, to be approved by the court, f
her or their appearance, in such sum as the cour
direct, or in default thereof, may be put in charge
officer who made the arrest, or be committed
common jail of Chippewa county. The complaint
as aforesaid shall be the only complaint require
the plea of not guilty shall put in issue all subjec
ter not embraced in the action.

Printed copy to be evidence.

SECTION 7. A printed copy of an ordinance, l
or regulation passed by the common council, an
lished in a newspaper, or in pamphlet or book
purporting to be published by authority of the co
council, shall be *prima facie* evidence of its due p
and publication, and shall be received in evider
trial of all cases cognizable before any court of thi

No jury or witness fee to be tendered.

SECTION 8. Witnesses and jurors shall atte
fore a justice of the peace, in all city and crimina
without the payment of fees in advance, or a
thereof, upon process duly served, and in default
of, their attendance may be compelled by attac

What findings of the court shall be.

SECTION 9. In city prosecutions, no jury sh
allowed either party, and the findings of the cour
be guilty or not guilty. If guilty, the court
render judgment thereon against the defenda
the fine, penalty or forfeiture prescribed in th
or in the ordinance, by-law or regulation, f
violation of which the person or persons shal
been adjudged guilty, and for costs of suit;
not guilty, the costs of suit shall be taxed agai

Shall issue execution.

city. Upon the rendition of judgment again
defendant, and the non-payment thereof, the j
shall forthwith issue execution, as in cases of t
case the action was commenced by summons, or
mitment in case it was commenced by warran
shall, in either case, determine and enter up
docket the length of time the defendant shall b
prisoned, which in no case shall exceed six m
and also insert such time in the execution or co
ment. Such execution shall be in the following

COUNTY OF CHIPPEWA, *City of Chippewa Falls*—ss. Form of execution.

The state of Wisconsin, To the sheriff or any constable of said county, and to the keeper of the common jail of said county, greeting:

WHEREAS, The said city of Chippewa Falls, on the -day of ——, 18—, recovered a judgment before the ndersigned, one of the justices of the peace in and r said city, against — —, for the sum of —— dollars, d —— cents, costs of suit, for the violation of (sec- on — of chapter —, of this act, or section — of an dinance or by-law or regulation of said city, describ- g it by its title), you are hereby commanded to levy stress of the goods and chattels of said ——, except- g such as the law exempts, and make sale thereof ac- rding to law, to the amount of said sum, together th your fees, and twenty-five cents for this writ, and e same return to me in thirty days, and for want of ch goods and chattels whereon to levy, to take the dy of the said ——, and him convey and deliver to the eper of the common jail in Chippewa county; and the id keeper is hereby commanded to receive, keep in stody in said jail, the said — — for the term of——, less the said judgment, together with all the costs d fees are sooner paid, or he be discharged by due urse of law.

Given under my hand, this —— day of ——, 18—.

C. D., *Justice of the Peace.*

The form of the commitment shall be substantially e same as that of the execution, omitting all that re- es to the levy and sale and return of writs. Form of commitment.

SECTION 10. In all cases where the fine is more an fifty dollars, the defendant may appeal from ch judgment, to the circuit court of the county of nippewa: *provided*, such defendant within twen- -four hours enter into a recognizance, with one more sufficient sureties, to be approved by such stice, conditioned to appear before said court and bide the judgment of the court therein. The jus- ice from whose judgment an appeal shall be taken, hall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of the said court; and the city may appeal from any such judgment, as in other cases before justices of the peace. Defendant may appeal to the circuit court.

Appeal shall be for trial without notice.

SECTION 11. Said appeal shall stand for tr jury, unless a jury be waived in the manner provid law, in said circuit court, at the next term thereo the day the judgment of the justice shall be ren and no notice of trial shall be required to be giv or by either party.

If judgment is affirmed, penalty to be enforced.

SECTION 12. If the judgment of the justice be affirmed, or if upon the trial, the defendant sh convicted, the court shall inflict the penalty pro by this act or the ordinance, resolution, by-law or lation under which he or they are prosecuted, and judgment against him or them and their sureti such penalty, together with the costs in both court enforce the same by execution as in actions of to

Not to make incompetent.

SECTION 13. No person shall be an incom judge, justice, juror or witness by reason of his an inhabitant of said city, in any proceeding or in which the city shall be a party in interest.

Existing ordinances in force.

SECTION 14. All ordinances and regulation in force in the city of Chippewa Falls, and not sistent with this act shall remain in force until a modified or repealed by the common council, this act shall take effect.

Suits to be prosecuted.

SECTION 15. All actions, rights and penalties and forfeitures, in suits or otherwise, which have or accumulated under the several acts consol herein, shall be vested in and prosecuted by the ration hereby created.

How serve process against city.

SECTION 16. When any suit or action shall b menced against said city, the service thereof m made by leaving a copy of the process of sum with the mayor or clerk of said city, and it sh the duty of the said mayor or clerk so served, fort to inform the common council thereof, or to take demand or proceedings as by ordinance or reso of said council may be in such case provided.

How penalties paid.

SECTION 17. All penalties and forfeitures rec and collected under and by virtue of this act, sh paid into the city treasury, for the use and ben said city, except as provided in chapter nine of th

All fire apparatus to be exempt from execution.

SECTION 18. All fire engines, hose, carts, hook ladders and wagons therefor, and all other appa and implements used to extinguish fire, and all b or buildings owned or occupied by said city for engines, hose, hose carts, hooks and ladders and oth paratus and implements, shall be exempt from a ment or execution issued in any action, or on judgment wherein the said city shall be a party.

SECTION 19. No real or personal property of any abitant of said city, or of any individual or corpora-, shall be levied on or sold by virtue of any attach-nt or execution issued to collect or satisfy any con-t, debt or obligation of said city, or on any judg-nt against said city.

Private property not to be levied on for public debts.

SECTION 20. In all cases where a defendant shall be victed of any violation of any ordinance or police ulations of said city, the court before whom the same ried shall have power to sentence the defendant to rm of imprisonment in the common jail of Chip-va county for any period not exceeding six months.

May sentence to county jail.

SECTION 21. The mayor shall have power to grant dons or commutations after convictions, for all nses against the ordinances of the city, upon such ditions as he may deem proper. He shall com-nicate any such actions to the council at its next eting, with the reasons therefor.

Mayor may grant pardons.

CHAPTER XI.

IMPROVEMENT OF STREETS AND SIDEWALKS.

SECTION 1. Every ordinance, resolution or by-law viding for the repairing, construction or reconstruc-n of any sidewalk or gutter, or for the grading, re-iring or improving of any street at the expense in ole or in part, of the owners of the lots or parcels of d abutting or fronting such sidewalk, gutter or eets shall, on being introduced at a meeting of the mmon council, be referred to some appropriate com-ittee, and any such ordinance, resolution or by-law all not be passed or adopted sooner than fourteen ys after the introduction thereof, nor until ten days ter the proceedings of the council had relative there-at the meeting when such ordinance, resolution or -law was introduced shall have been published in the icial newspaper of said city.

Ordinances for street improvements to be referred to committee and laid over.

SECTION 2. The common council of the city of ippewa Falls shall have power to establish the grade the streets of said city, and to change and re-estab-h such grade as they shall deem expedient: *provided*, at whenever they shall change or alter the grade of y street, any person who shall claim to have sus-ined damages by such change or alteration of grade, all have his right of action against the city for the covery of such damages, but no suit shall be com-enced against the city therefor until application has

Council may establish, change and re-establish grades.

been made to the common council to pay such
ages, and said council shall have refused or neg
for three months to pay or settle the same.

Duty of marshal in relation to cleaning of streets.

SECTION 3. It shall be the duty of the cit
shal to see that all the ordinances of the city r
to the obstructions and cleansing of sidewalks,
alleys, public grounds, reservoirs, gutters,
waters and water courses in said city are duly ob
and kept. The committee on streets shall have
eral supervision over all works let by contract
improvement of streets or sidewalks in said ci
less the common council shall otherwise provide

Sidewalks, how to be constructed and repaired.

SECTION 4. Sidewalks shall be constructed,
structed or repaired upon the proper establishe
of any street in said city, of such width, in suc
ner, of such materials and in such time as the c
council by ordinance, resolution or order shall
by the owner or owners of any lot or piece of
in front of which such sidewalk shall be order
the owner or owners of any such lot or piece of
shall not construct such sidewalk as aforesaid
manner, of the material, or at the time as so d
the common council may cause the same to
structed forthwith, at the expense of such ow

How contracts let.

owners. The contract for the construction of a
sidewalk shall be let to the lowest, reasonable,
sible bidder, and notice shall be given by pub
in the official paper of the city, at least for thre
of the time, place and manner of receiving suc
The common council shall levy a special tax up
lot or piece of ground in front of which any si
shall be constructed by contract, sufficient to
cost of constructing the same: *provided*, that
contract shall be let until twenty days after noti
have been given to such owner or owners, of th
nance, resolution or order requiring the construc
such sidewalk, by the publication of the same
five days in the official paper of the city.

Proceedings for letting contracts for constructing and repairing streets and sidewalks.

SECTION 5. The common council shall have
by a vote of two thirds of all the members of th
mon council to order the building, construction,
struction or repair of sidewalks in the city of Ch
Falls, in such manner as they may deem proper
city clerk shall receive all proposals for construc
repairing sidewalks, and shall open them in th
ence of the council, which shall award the con
the lowest responsible bidder: *provided*, such b
reasonable one, subject to such provisions in t
of violation of contract, and to such other pa

visions as the council may prescribe. The proceed-
for ordering the repair of sidewalks and levying
collecting special taxes on the respective lots to
for the same, shall be the same as herein provided
the case of constructing a new sidewalk, except as
erwise provided in this section. No contractor for
lding or repairing sidewalks shall receive any pay
for from the city under any circumstances, until
tax levied for that purpose shall have been paid to
city or county. Whenever a sidewalk shall be out
pair and so remain for the space of twenty-four
, which in the opinion of the street committee
not cost to exceed the amount of five dollars, in
of any one lot to repair the same, he shall be author-
and it is hereby made his duty, to cause the same
immediately repaired; and when the same is
leted, he shall make out an itemized bill of the
of such repair, specifying the lot and block or
or parcel of land in front of which said work was
verified by his oath, and shall deliver the same
city clerk and said clerk shall forthwith present
me to the owner of such lot, piece or parcel of
if a resident of the city of Chippewa Falls, for
ent, and if the owner of such lot, piece or parcel of
shall refuse or neglect to pay the same for ten days,
the clerk shall report the fact to the council, and the
il shall thereupon levy a special tax upon said lot,
or parcel of land, to pay the same, in the same man-
as special taxes are levied for the construction of
walks. In case the owner of such lot, piece or par-
of land does not reside in the city of Chippewa
Falls, the said committee shall return said account to the
common council with his certificate, stating that fact,
and the council shall thereupon levy a special tax to
pay the same in the manner in this section provided.

SECTION 6. The common council of said city shall
power, and may in its discretion by a vote of two
s of its members, advertise and let to the lowest
nsible bidder, whose bid it shall deem reasonable
proper, the construction of any sidewalk or gutter,
e making of improvement on or along any street
ghway in said city limits which shall have been
red, and levy a tax upon each lot or piece of
nd in front of which said sidewalk, gutter or im-
ement shall have been ordered and constructed
der such contract, sufficient to pay the cost of con-
ucting the same, without giving notice requiring the
ner or owners of such lot or lots or pieces of ground
construct the same.

May advertise for proposals.

May contract for street improvements.

SECTION 7. The common council of the Chippewa Falls shall have the power by an affi vote of two-thirds of all its members, to ord contract for the making, grading, paving and r and cleansing of streets and parts of streets public grounds, reservoirs, gutters and sewers manner hereinafter mentioned, and direct and the persons employed thereon.

How costs and expenses of surveying and of grading chargeable.

SECTION 8. The costs and expenses of su streets, alleys, sewers and gutters, and of est work thereon, in the execution of any public im ment, shall be chargeable to and payable by t The cost and expense of opening, grading or gr planking, paving of streets and alleys shall be able to the lots or lands fronting on such stree ley, so that each lot or parcel of land shall work between the front of each lot or parcel and the center of such street or alley: *provid* the common council may order such cost and to be paid by the lots or lands fronting such s alleys by a pro rata tax, based upon the last as made prior to such order by the common

How sewers and gutters constructed.

Sewers and gutters may be ordered by the council, and built at the expense of the lots or lots benefited thereby, and fronting upon the the street along which said sewer or gutter constructed: *provided, however*, that when se gutters are constructed through alleys, no lot assessed therefor, except those situated in th through which such sewers or gutters may structed; *and provided, further*, that in all cas improvements or work of any kind are charge virtue of this section, upon lots benefited, all provements across streets, alleys and public shall be made and paid for by the city, in pr to the width of the street, alley or public grou

Shall cause estimates to be made and filed.

SECTION 9. Whenever the common council termine to make any public improvement, as ized by this chapter, they shall cause to be estimate of the whole expenses thereof, and amount thereof to be assessed and charged lot and parcel of land, and in case of grading number of cubic yards to be filled in or excav front of each lot, and the proportion thereo each street, alley or public ground aforesai such estimate shall be filed in the office of clerk, for the inspection of the parties intere

May let work by contract.

fore such work shall be ordered to be don common council may authorize the letting

work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part, as aforesaid, all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract when approved by the council, to be executed on the part of the city by the mayor and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council, instead of letting such work by contract to the lowest bidder may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street or the making of any public improvement to be done directly by and under the supervision of the street committee, at the uniform expense, in whole or in part of the lots or parcels of land abutting or fronting on such street or public improvement.

How expenses of deep cutting and filling to be apportioned.

SECTION 10. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council in writing that the expenses of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders, not residents of the ward, nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises within five days therefrom, and if in their opinion the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parcels of land on the streets so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof in writing as soon as practicable, but within ten days after such examination, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein

provided; in case such owners shall not do su
the remainder shall be assessed upon the lots
by such improvement, in proportion to their r
benefit as determined by said jury. The su
sessed shall become a lien upon the premises
and shall be collected therefrom as a special as
in the same manner as other special assessm
improvements are collected: *provided*, that sh
jury find that said petitioners were not entitle
division of the expense so assessed upon thei
parcels of land, then the expenses of all pro
under this section shall be paid by said petitio
the common council may require a bond for
ment of the same upon the filing of the petiti
vided, also, that the petition of no owner feelin
aggrieved shall be received unless the same be
within twenty days after the publication of t
requiring the same to be done; *and provided*
that when it shall appear to the council that
lands belong to non-residents, infants or perso
ing under legal disability, who shall not be rep
by any agent or guardian, or not to be benefite
making of streets in front of such lots or lan
amount of the costs and expenses thereof, it sh
be the duty of the said council to cause to
moned a jury as herein provided.

Assessment for work to be a lien upon property.

If lands belong to infants or non-residents.

SECTION 11. All work provided for in this
shall be done under the supervision of the str
mittee, and shall be approved by them befor
be accepted by the council.

Street committee shall supervise work.

SECTION 12. Whenever any work has be
under contract as provided in this act, and t
shall have been approved by the mayor, street
tee and city surveyor, such contractor shall be
to a certificate therefor, stating the amount
done by such contractor, and the nature ther
the description of the lot or parcel of land upo
the same is chargeable, which said certificate
transferred by indorsement thereon; and if the
is not paid before the time of making out the
assessment roll, the same may be filed with
clerk, and the common council shall order th
assessed upon the said lots of land, respectiv
special tax, and to be collected therefrom for th
fit of the holder of said certificate as other t
real estate are collected by virtue of the laws
state, except that personal property shall not b
or sold for the payment thereof, and if the noti
the work required shall have been given as here

Contractors entitled to certificates for work done.

May be assessed as special tax.

ribed, no informality or error in the proceedings shall validate or vitiate such assessment: *provided*, that in event where work is ordered to be done at the expense of any lot or parcel of land shall the city be eld responsible for, or on account thereof, or for any roceedings for the collection of the pay therefor.

Shall determine and levy highway tax.

SECTION 13. The common council of the city of hippewa Falls shall, on or before the first Monday in lay, in each year, determine and levy the amount of ighway tax in said city for the ensuing year, for the urpose of constructing and repairing streets, highways nd bridges in said city, which amount shall not be less han two or more than five mills on the dollar upon ll of the taxable property of said city, as the same hall appear by the last assessment roll of said property.

City clerk to make out highway tax list.

SECTION 14. The city clerk shall, within fifteen ays after said highway tax shall be so levied, make ut and deliver to the city treasurer, a list of all persons liable to pay highway taxes in said city, which list hall also contain a statement of all the taxable personal property, and a description of all lots or parcels f land within said city, with the value of each lot or arcel set opposite to such description, as the same hall appear on the assessment roll of the previous year, nd if such lot or tract was not separately described in ich roll, then in such proportion to the valuation hich shall have been affixed to the whole tract of hich such lot or parcel forms a part, and the amount f such tax shall be carried out in a separate column pposite the name of each person or persons, corporaon or corporations, to whom each item of taxable roperty upon said list is to be assessed.

Shall make duplicate list.

SECTION 15. The city clerk shall make a duplicate such list; both of which shall be signed by the ayor, and countersigned by the city clerk, one of hich lists shall be filed in the office of the city clerk, nd the other shall be delivered to the city treasurer.

Shall annex tax warrant.

SECTION 16. The city clerk shall annex to each such x list, a warrant signed by the mayor and city clerk, hich shall be in substance in the following form:

Form of tax warrant.

o A. B., *Treasurer of the city of Chippewa Falls:*

You are hereby required to collect from the several ersons and corporations named in the annexed tax ist, and from the owners of the real estate described herein, the taxes set opposite to such persons, corporaions and property, within the time limited by law,

and to apply the taxes by you so collected, and
due return thereof as required by law.

Dated —— day of ——, 18—.

——, *City*
——, *Mayo*

Tax collected same as general taxes.

SECTION 17. The city treasurer shall have th
powers and proceed to collect said taxes, in th
manner as in the collection of general taxes,
case the said treasurer shall be unable to coll
portion of said tax, he shall, on or before th
Monday in November in each year, make out
liver to the city clerk of said city, a list of all su
paid taxes, which list shall contain the name of
sons, corporation or corporations, and the des
of all real estate or personal property included
tax roll, and the amount of such tax against
such descriptions or items so uncollected; whi
list shall be sworn to by said city treasurer,
some officer authorized to administer oaths.

Shall place delinquent tax in separate column.

SECTION 18. Upon the receipt of such list,
clerk shall, at the time of making out the gen
nual tax roll of said city for that year, place in
arate column on said roll the amount of said del
tax against the proper description of real est
personal property, which shall be collected or r
in the same manner as general taxes are colle
returned by law.

CHAPTER XII.

PUBLIC SCHOOLS.

Shall elect school commissioners—their term of office.

SECTION 1. The mayor and council of t
of Chippewa Falls shall, at their first regular
after this charter shall go into effect, elect as
commissioners one person from each ward of sa
who shall hold office until the first Monday i
18—, and one other person from each ward, wh
hold office till the first Monday in July, 18—, a
person from the city at large, who shall hold of
til the first Monday in July, 18—; and annuall
after the said mayor and council shall, at their
meeting in May, elect one school commission
each ward, who shall hold office for two yea
each alternate year after 18—, one from the city a
unless sooner removed for misconduct or othe
cient cause, by a vote of two-thirds of the app
power. The terms of office of said commissione

hall be elected after the first election, shall commence n the first Monday in July in each year: *provided*, hat all members of the school board now in office shall old their respective offices for the full term for which hey were elected, and until their successors are duly lected and qualified.

SECTION 2. The school commissioners elected under he provisions of section one of this chapter shall form he "board of education of Chippewa Falls," and majority of said board shall form a quorum for he transaction of business. It shall be the duty of he mayor and council to supply by appointment any acancy which may occur from time to time in the umber of said school commissioners by resignation or therwise.

Shall form board of education.

SECTION 3. The board of education shall, at its first egular meeting, and on the first Monday in July of ach year thereafter, elect one of its members presient, who shall preside at all meetings of the board, nd preserve order and decorum thereat, and decide all uestions of order, subject to appeal to the board. He hall countersign all orders drawn by the secretary for he payment of teachers' and janitors' wages, and all ther incidental and necessary expenses of said board f education, and in all suits brought by or against the hool district, he shall appear in behalf of the district, nless some other provision is made by the board of lucation. He shall declare all votes taken on questions coming before the board: *provided*, that on all uestions requiring appropriations of money, or the loption of new text books, the votes shall be taken by yes and noes, and on any other question the ayes and oes shall be called when any member shall request it: *rovided, further*, that in the absence of the president, he board shall elect a president *pro tempore*.

Shall elect president of the board—his duties.

SECTION 4. The board of education shall have at east one regular meeting in each month, at such time nd place as may be directed by them; and they ay have special meetings at such other times as they ay deem necessary, or when called together by the resident; but no such special meeting shall be legal nless each member of the board shall have first been rved with notice in writing of the time and place of ich meeting.

Regular and special meetings of the board.

SECTION 5. The duties of the board of education hall be as follows:

Duties of the board.

1st. To decide upon the number of teachers to be nployed, the grade of school to be kept by each and the mount of salary to be paid each, and to hire and make

To decide upon number and make contracts with teachers.

contracts with teachers, and before any teach
enter upon his or her duties as such, he or
enter into a written contract, which contract
signed by such teacher and by said board of ed
or by some member thereof designated for t
pose by resolution of said board. Such contr
be made in duplicate, and one copy thereof fi
the clerk and the other copy delivered to such

To fix school terms, and uniformity in books.

2d. To arrange and determine terms and
in all public schools, to establish uniformit
school system, and to require and secure unifo
text books, and to adopt or reject text books

To establish rules and regulations.

3d. To establish rules and regulations for th
not in conflict with the constitution or law
state; but the mayor and council may, in the
tion, do away with, annul or abrogate any suc
regulation by a two-thirds vote of the whole
of aldermen of the city.

To make contracts and repairs.

4th. To make contracts for all fuel, stationer
ticles of furniture required for the use of the
to make all necessary repairs on school houses
ceeding one hundred dollars in value for any o
house, to make contracts for all incidentals
for carrying on the school houses, such as light
sweeping school rooms, etc., and such
when executed shall be paid by orders draw
city treasurer, payable out of the school func
orders shall be signed by the president of t
of education, and countersigned by the clerk
board.

To submit annual statement of teachers' wages, and estimate amount of moneys needed.

5th. The said board shall annually, on or b
first day of November in each year, submit a s
to the mayor and council, showing the amount
ers' wages that have accrued and become du
the year, and the amount of all other indebte
cruing on contract or otherwise that has been
order of the board; and for that purpose, th
cause entries to be made in a book or bo
vided by the city, of contracts made with th
ers, and the amount of salary to be paid, a
other expenditures made or authorized by sa
at the time the same shall be made or authoriz
book or books shall be subject to inspectio
same manner as the records of the proceeding
board, and they shall, at the same time, subm
consideration of the council, a statement of
mates required for carrying on the schools fo
suing year, specifying the amount required f
ers' wages, and other items separately and spe

thing in this section contained shall prevent the yor and council from taking into consideration the *ount to* be received from the county school tax du- g the ensuing year.

SECTION 6. Whenever repairs to a larger amount n one hundred dollars shall, in the opinion of the rd, be required for any one school house, they shall se a statement to be made, showing the repairs re- red and an estimate of the cost thereof, to be laid be- e the mayor and council; and whenever, in their opin- another school house or houses shall be required, they ll cause estimates of the cost of a site for such house houses, and a plan of the proposed building or build- s, together with the estimates of the cost of the same, be made, and shall submit the same for the consid- tion of the mayor and council, who shall forthwith e measures to raise a tax to defray the cost of such airs, or the erection of such building or build- s, and the purchase of a site or sites, unless there ll be a two-thirds vote of the whole number of al- men of the city against the same, in which case such posed repairs shall not be made, nor shall such site or s be purchased, or building or buildings erected; and hall be the duty of said board to enter into contracts making such repairs or for the erection of such ldings or for the purchase of such sites, whenever hall be made to appear that the necessary tax for same has been levied or authorized by the mayor council. Shall make statement of amount of repairs needed.

SECTION 7. It shall be the duty of the president secretary of the board of education to draw orders the city treasurer, payable out of the school fund, teachers' and janitors' wages, and all other expendi- es authorized by this act. Orders for teachers' wages.

SECTION 8. No member of the board of education all have any interest, direct or indirect, in any con- ct made by said board, and every contract so made which any member of said board shall have such erest, shall be absolutely void. Members of board not to be contractors.

SECTION 9. The city clerk shall, in addition to his her duties, act as secretary of the board of education. City clerk to be secretary.

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. All work for the city or either wards, cluding all printing and publishing, may, in the dis- Work to be let to lowest bidder

cretion of the council, unless otherwise ordered by contract to the lowest bidder, and due noti be given of the time and place of letting the co

How money appropriated.

SECTION 2. No moneys shall be appropri any purpose whatever, except such as are ex authorized by this act.

How penalty remitted.

SECTION 3. No penalty or judgment recov favor of the city shall be remitted or discharg cept by a two-thirds vote of the aldermen elect

May cause new survey to be made.

SECTION 4. The common council may at a cause a new and accurate survey to be made lines and boundaries of all the streets, alleys, sid public grounds, wharves and blocks, and may c be established such permanent land marks, may deem necessary, and to cause an accurate plats thereof to be made and certified to by t veyor, which shall be filed in the office of the cit and recorded in the office of the register of deed county of Chippewa.

Survey to be evidence.

SECTION 5. The surveys and land marks s and established, shall be *prima facie* evidence lines and boundaries of all streets, alleys, sid public grounds, wharves and blocks, in all c which they shall be drawn into controversy in al in this state.

May establish grades and make profiles thereof.

SECTION 6. The common council may, a time as they may deem proper, establish the gr all streets, alleys and sidewalks of said city, or either of them, and shall cause accurate profiles to be made, one of which shall be filed in the c the register of deeds of Chippewa county; and the grade so established be at any time thereafter all damages, costs and charges therefor shall be the city to the owner of any lot or parcel of l tenement which may be affected or injured in quence of the alteration of such grade: *provide ever*, that nothing in this section contained shal construed as to prevent the street commissioner several wards of the said city, from ordering or to be done the grading of any street within the to a temporary grade, to be established by suc missioners.

May hold property.

SECTION 7. The city may have, purchase an real and personal estate sufficient for the conve of the inhabitants thereof, and may sell and con same; and the same while owned, occupied or h said city shall be exempt from taxation.

ECTION 8. Real estate exempt from taxation by laws of this state shall be subject to special taxa- as other real estate under this act. Subject to special tax.

ECTION 9. Every individual or company of indi- uals or body corporate, owning a lot or tract of land in the corporate limits of the city of Chippewa s, who may desire to subdivide or plat such lot or of land into city lots, shall, in platting the same, e the streets and alleys in such plat to correspond idth and general direction with the streets and s through the lots and blocks in said city adjacent. id lot or tract so platted; and before making such as required by law, it shall be the duty of such on or persons or corporation making such plats, bmit the same to the common council of said city pproval; and if said plat shall be approved by common council, the said person or persons or cor- tion may cause said plat or plats to be recorded ac- ling to law; but except such plat be approved by a lution adopted by said council, a copy of which, duly fied by said clerk, shall be affixed to or entered uch plat, it shall not be lawful for the register of ds of the county of Chippewa to receive such plat for rd, or to record the same, and the person or per- s neglecting or refusing to comply with the require- nts of this act shall forfeit and pay a sum not less n one hundred nor more than one thousand dollars, the register of deeds who shall record such plat hout a copy of the resolution aforesaid, approving same, being entered on or affixed thereto, shall for- a sum not less than fifty nor more than one thou- d dollars. How lots shall be subdivided and platted.

ECTION 10. When the city of Chippewa Falls deeds eases any real estate, or any interest therein owned said said city, the party of the first part shall be the of Chippewa Falls, and the person or persons author- to execute such deed or lease need not be named he body thereof. How deed or lease real estate.

ECTION 11. The mayor of said city is hereby au- ized, when the common council shall, by ordinance esolution for that purpose, describe the real estate interest to be conveyed under and direct him so to to execute a deed or lease of such real estate or in- st therein belonging to the said city. The said deed ease shall be signed by the mayor of the city, and ntersigned by the city clerk, and sealed with the cor- ate seal of said city, and duly witnessed and ac- Mayor authorized to execute deed.

knowledged, as is provided for the execution o
and conveyances.

City clerk to attach copy of ordinance.

SECTION 12. When any such deed or lease
ecuted, the city clerk shall attach to such deed
a true copy, by him duly certified, of the ordi
resolution aforesaid, and the same shall be rec
the register of deeds with said deed or le
such copy so attached, and record thereof,
in all courts of this state *prima facie* evidenc
authority of the mayor to make and execute su
or lease.

Failure of election not to dissolve corporation.

SECTION 13. If any election by the people
mon council shall, for any cause, not be hel
time or in the manner herein prescribed, or if t
cil shall fail to organize as herein prescribed,
not be considered reason for arresting, suspe
absolving said corporation, but such election o
ization may be had at any subsequent day by
the common council; and if any of the duties
by this act, or the ordinances or by-laws or reg
of said city, to be done by any officer, at any
time, and the same are not then done or perfor
common council may appoint another time
said act may be done and performed.

General laws not to repeal this act.

SECTION 14. No general law of this state
vening the provisions of this act shall be consi
repealing, annulling or modifying the same, un
purposes be expressly set forth in such law as an
ment to this chapter.

Limit of appropriation.

SECTION 15. The common council shall ha
to appropriate a sum not exceeding five hun
lars, to any public purpose they may deem pr
no such appropriation shall be made unless or
a two-thirds vote of all the aldermen elect.

Shall levy and collect poll tax.

SECTION 16. Every male inhabitant in th
Chippewa Falls, over twenty-one years of
under fifty, except active members of the fire
ment, and those otherwise exempt by the gene
of this state, shall pay into the city treasury a
the sum of one dollar and fifty cents each,

Duty of assessor—of treasurer

tax. It shall be the duty of the assessor of C
Falls, during the month of April of each
make out duplicate lists of all persons liable
tax in the city of Chippewa Falls, and said
shall, on the last Monday of April of each
liver one of said lists to the city clerk, and on
treasurer of said city of Chippewa Falls. T
treasurer shall thereupon immediately proceed

the same, and all persons liable to pay such tax, shall have not paid the same after demand, either onal or by written notice left at their usual place bode, on or before the first day of June of each , shall be liable to and shall pay a penalty of two ars, in addition to said poll tax, together with the of prosecution, to be prosecuted for by said treas- in the name of the city of Chippewa Falls. The ess in each case shall be by warrant, as provided n chapter nine of this act, entitled "actions to ver penalties, etc.;" and in case judgment shall be ered against the defendant in such action, and he refuse or neglect to pay such judgment, he shall nprisoned in the county jail ten days. The mon- ollected as herein provided for, shall be kept as a nct fund, and shall be expended for the benefit improvement of the streets of the city of Chip- Falls. The mayor, city clerk and treasurer shall titute a board to determine the liability of persons y such tax, and all persons claiming to be exempt such tax must apply to said board within twenty from the time when said lists shall be delivered to reasurer as aforesaid. The city treasurer shall re- the same fees for collecting said tax as he does ollecting taxes assessed upon real and personal erty: *provided*, that if any person shall desire to, hall be permitted to perform one day's work upon treets of the city in the ward in which he resides, the certificate of the street committee, that such on has performed one full day's labor shall be re- ed by the city treasurer in full discharge of such tax.

Process for collection of poll tax.

Board to determine liability.

Fees of the treasurer.

ECTION 17. The jurisdiction of the police justice ne city of Chippewa Falls shall be co-extensive the county of Chippewa, and the said police jus- shall have exclusive jurisdiction to try all criminal , and conduct all examinations within said city in h the city is a party under the laws in which jus- of the peace have jurisdiction, and according to act. And the police justice shall have and possess e rights, powers and privileges of said justices of eace, and all the laws of this state concerning jus- court shall apply to the police court of the city ippewa Falls, except so far as the said law con- with the provisions of this act.

General and exclusive jurisdiction.

CTION 18. In all cases where an action might be ght by the city of Chippewa Falls, against any n, company or corporation, such action may be nenced and prosecuted in the name of the city, by

How action to be brought in name of city.

any electors of said city: *provided*, that the comp
made by any person other than a police officer
city, sheriff of Chippewa county or any officers
city. The justice may, in his discretion, requ
enty-five cents as in civil courts, before justices
peace.

May require planting of ornamental trees.

SECTION 19. The common council shall hav
to require the owner of any lot or grounds in
to set out ornamental trees in the street or stree
ing on the same, and in default thereof to c
same to be done, and to levy a special tax up
lot or grounds to pay the expenses of the same

A public act.

SECTION 20. This act is hereby declared a
act, and shall be liberally construed in all c
this state.

Conflicting acts repealed.

SECTION 21. All acts or parts of acts inco
and conflicting with the provisions of this act are
repealed; but the repeal of said acts or parts
shall not in any manner affect, injure or invalid
contract, acts or suits, claims, penalties or dema
may have been entered into, performed, comme
that may exist under or by virtue or in pursu
the said acts, or any former act incorporating a
or any of them, but the same shall exist and
forced and carried out and be completed as f
effectually, to all intents and purposes, as if this
not been passed.

SECTION 22. This act shall take effect and be
from and after its passage.

Approved March 15, 1878.

CHAPTER 170.

[*Published March 24*

AN ACT to amend an act entitled "an act to prevent t
of noxious weeds," section two, chapter two hundred
general laws of 1861.

*The people of the state of Wisconsin, represente
ate and assembly, do enact as follows:*

Amended—shall place amount on tax roll.

SECTION 1. Section two of chapter two hund
six of the general laws of 1861 is hereby amen
adding the following words to said section:

d board of supervisors are hereby authorized to have d amount paid to said pathmaster, on his affidavit, if d board deem it just and equitable; and further, to ve said amount placed on the tax roll against such nds whereon such weeds have been destroyed, and to collected the same as ordinary taxes."

SECTION 2. This act shall take effect and be in force m and after its passage and publication.

Approved March 15, 1878.

CHAPTER 171.

[*Published March* 21, 1878.]

N ACT to authorize the supervisors of the town of Prairie du Chien, in the county of Crawford, to designate the place for holding the annual town meeting of said town for the year 1878.

he people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The supervisors of the town of Prairie Chien, in the county of Crawford, are hereby thorized and empowered to designate the place for lding the annual town meeting of said town for the ar 1878. May fix place for holding town meeting.

SECTION 2. Notice of the place so designated shall given by the town clerk of said town, by publica- n in one or more of the newspapers published in e city of Prairie du Chien, at least ten days previous the time of holding said town meeting. Shall give notice by publication.

SECTION 3. This act shall take effect and be in force m and after its passage and publication.

Approved March 15, 1878.

CHAPTER 172.

[*Published March 2*

AN ACT refunding to the county judge of Buffalo cou
tain amount therein named.

The people of the state of Wisconsin, represented
and assembly, do enact as follows:

State treasurer to refund.

SECTION 1. The state treasurer is hereby
to refund to the county judge of Buffalo cou
sum of fifty-six dollars and thirty-five cents, b
amount paid into the state treasury by the sai
judge, February 28, 1868, on account of th
the effects of Isaac Carr, deceased: *provided*,
secretary of state is furnished with evidenc
fact that legal heirship has been established
estate of the said Isaac Carr.

SECTION 2. This act shall take effect and b
from and after its passage and publication.

Approved March 15, 1873.

CHAPTER 173.

[*Published March 2*

AN ACT to repeal chapter four hundred and sixty-si
and local laws of 1871, amendatory of the charter
lage of Elkhorn.

The people of the state of Wisconsin, represented
and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter four hundred and six
the private and local laws of 1871, entitled "a
amend an act to amend chapter one hundred
ty-three of the private and local laws of 1868,
'an act to amend an act, entitled an act to inc
the village of Elkhorn,'" is hereby repealed.

SECTION 2. This act shall take effect and be
from and after its passage.

Approved March 15, 1873.

CHAPTER 174.

N ACT to establish a ferry across Lake St. Croix at Hudson.

e people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Patrick McGuire, his associates and as- ns, their heirs, executors and administrators, shall ve the exclusive right and privilege, for the term of years from and after the passage of this act, of eping and maintaining a ferry across Lake St. Croix fractional sections number twenty-five (25) and irty-six (36), in township number twenty-nine (29) orth, of range number twenty (20) west of the fourth rincipal meridian, and no ferry charter shall be grant- d within one mile either above or below said frac- onal sections. **Exclusive right to keep ferry.**

SECTION 2. There shall be kept for use upon the id ferry good and sufficient boats, propelled by steam otherwise for the use and accommodation of all per- ns wishing to cross said ferry, and said corporation all give prompt and ready attendance on passengers, ms and merchandise on all occasions: *provided*, that d boat need not be run when serious injury would ult by contact with the ice or otherwise; *and pro- ed, further*, that when crossing is demanded after e o'clock at night, double the actual rates for ferry- may be charged; *and provided further*, that when ts propelled by steam are used for the transporta- n of teams and merchandise, said corporation shall be obliged to convey teams or merchandise or any- ng else, except foot passengers, before the hour of A. M., and after the hour of 8 P. M. on each week , and on Sundays between the hours of 9 A. M. and P. M.; *and provided further*, that said Patrick Guire, his associates or assigns, shall forfeit and pay every person or persons all damages which said per- n or persons may suffer by reason of the said Patrick Guire and his associates or assigns failing, neglect- or refusing to give prompt and due attendance upon ch person or persons desiring to cross upon said rry, or for failing, neglecting or refusing to provide d keep a good and sufficient boat or boats for the fe and speedy crossing of passengers or property. **Shall keep good and sufficient boats.** **May charge double rates at night.** **Forfeiture for non-performance.**

SECTION 3. The rates for crossing at the said ferry all not exceed the following, viz: For each foot pas- enger, ten cents; for each horse, mare, gelding, mule **Rates of ferriage.**

or ass, with or without a rider, forty cents; f
two-horse or two-ox team loaded or unloaded, with
er, seventy-five cents; for each two horse or t
team, with a driver, and without a wagon, fifty ce
single horse and carriage, sixty cents; for each ox
fifteen cents; for each swine or sheep, five ce
freight or merchandise or other articles, not wit
a wagon and teams, at the rate of ten cents per
and ten cents per hundred weight; lumber a
ferried at the rate of fifty cents per thousand feet
delivered on board said boat or boats: *provide*
the board of supervisors of St. Croix county sha
authority to reduce said rates whenever they
deem proper.

SECTION 4. So much of any act or acts as
venes the provisions of this act is hereby repe

SECTION 5. This act shall take effect and
force from and after its passage.

Approved March 15, 1873.

CHAPTER 175.

[*Published March* 21,

AN ACT amending the charter of the city of Racine,
tain amendments relating thereto.

The people of the state of Wisconsin, represented i
and assembly, do enact as follows:

Amended.

SECTION 1. Subdivision twenty-three of
three of the charter of the city of Racine is
amended by striking out of said subdivision the
"board of health," and inserting in lieu thereof
council," and by adding after the word, "occ
in said subdivision, the words, "or agent." Se
tion is further amended by adding to said subd
as follows: "And such expense shall become a
and lien on the lot adjoining said street or all
such charge or lien shall be enforced in the sam
ner as is provided in sections one and two of t
of said charter."

Power to appoint police force.

SECTION 2. The following section is added
powers of the city council, namely: "The city
shall have power to appoint and maintain a polic

n the city, which shall consist of one or more policemen, ne of whom shall be designated as chief of police, hose powers and duties shall be defined by ordinance f the city council, and they shall receive such com- ensation as the city council may prescribe."

SECTION 3. Section three of chapter two hundred nd fourteen of the private and local laws of 1867 is ereby amended by striking out the words, "five hun- lred," and inserting in lieu thereof, "one thousand:" *rovided*, that a larger sum may be raised in any ward n said city when such sum does not exceed the sum f one mill on the dollar of the taxable property of uch ward. Amended.

SECTION 4. The city council of the city of Racine, with the consent of the owners, shall have power to ubdivide any block in said city into lots, and to plat nd record the same; and when so recorded, the said plat shall have the same effect as plats laid out and re- corded in pursuance of section five of chapter forty- even of the revised statutes. May subdivide blocks.

SECTION 5. The city council of the city of Racine re hereby authorized and empowered to levy an ad- litional tax of ten thousand dollars, on the taxable roperty in said city, to be levied and collected with he annual city, county and state tax for the year 1873, or the purpose of providing for additional school uildings in said city. May levy tax for school building.

SECTION 6. That section two of chapter one hun- lred and five of the private and local laws of 1872 be nd the same is hereby repealed. Repealed

SECTION 7. The city council of the city of Racine n the state of Wisconsin is hereby authorized and re- quired, at the time of the next regular annual levy of axes for city and ward purposes in said city, to levy a pecial tax of three thousand dollars, upon all the tax- able property in said city, for the purposes mentioned in the next succeeding section, which said taxes shall be assessed, levied and collected in all respects as taxes for other city purposes are assessed, levied and col- lected. May levy special tax.

SECTION 8. Said sum of three thousand dollars, au- thorized to be raised by special tax, as provided in the seventh section of this act, shall be disbursed and ex- pended as follows, namely: fifteen hundred dollars thereof shall be used and expended for the purpose of protecting the streets in the second ward of the city of Racine, from the ravages and encroachments of Lake Michigan, and fifteen hundred dollars of said sum of three thousand dollars shall be used and expended for For what purpose said tax is to be used.

the purpose of building and constructing a wall
northeast side of Washington avenue, at Blu
and the tax so authorized to be levied and colle
aforesaid, shall be used and expended only for t
poses hereinbefore mentioned.

May levy tax to prevent encroachment of Lake Michigan.

SECTION 9. In addition to any and all specia
heretofore authorized to be levied and collect
ward purposes in the second ward of the city
cine, the city council of said city of Rac
hereby authorized and required, at the time of th
regular annual levy of taxes for city and war
poses in said city, to levy a special tax of fiv
dred dollars upon the taxable property in the
ward of said city, which shall be used and dis
under the direction of the aldermen of the
ward of said city, for the purpose of protecti
streets in said ward from the encroachments o
Michigan.

How to be assessed, levied and collected.

SECTION 10. The special tax authorized
ninth section of this act to be levied and collecte
be assessed, levied and collected in all respects
for other ward and city purposes, are assessed,
and collected; and said sum of five hundred
shall be used and expended only for the purpose
tioned in section nine of this act.

SECTION 11. This act shall take effect and
force from and after its passage and publication.

Approved March 15, 1873.

CHAPTER 176.

[*Published March 24,*

AN ACT to grant certain lands to the Milwaukee and S
Railway Company, and to execute the trust assumed
state of Wisconsin by its acceptance of the grants
made by congress, by acts approved June 3, 1856, and
1864.

The people of the state of Wisconsin, represented
ate and assembly, do enact as follows:

Lands granted to Milwaukee and St. Paul Railway Company.

SECTION 1. There is hereby granted to the M
kee and St. Paul Railway Company, all the righ
and interest which the state of Wisconsin now
may hereafter acquire in or to the lands granted
state, by two certain acts of congress, one ap

ne 3, 1856, entitled "an act granting public lands to e state of Wisconsin to aid in the construction of lroads in that state," and the other approved May 5, 64, entitled "an act granting lands to aid in the con- uction of certain railroads in the state of Wiscon-," so far as said lands are granted to aid in the con- uction of a railroad from St. Croix river or lake, be- een townships twenty-five and thirty-one, to the st end of lake Superior and to Bayfield; and this nt is made upon the condition that said Milwaukee d St. Paul Railway Company shall construct a rail- d from some point on St. Croix river or lake, at or r Prescott, by the way of River Falls to the city of dson, and along through the city of Hudson, west the bluff, to the valley of Willow river, and thence said valley to the west end of lake Superior and to yfield, and is upon the condition that said Milwau- e and St. Paul Railway Company shall proceed im- ediately with the construction of said railroad, and all construct the same at the rate of forty miles each ar until the same is completed, and that sixty miles ereof shall be completed and in operation within one ar from and after the passage of this act, and also on the further express condition that said company all within two years also build and complete a rail- ad from some point on the Mississippi river, from a oint below the mouth of the Chippewa river, in Buf- lo county, Wisconsin, in town twenty-two (22), range irteen (13), by the way of the village of Durand or ondovia to Eau Claire, Chippewa Falls and to Me- ominee, and that so much of said road from the Mis- ssippi river to Durand or Mondovia, or from Eau laire to Chippewa Falls, shall be completed one year om the passage of this act.

Conditions of the grant.

Rate of construction and points and termini of the road.

SECTION 2. The Milwaukee and St. Paul Railway ompany shall, in consideration of the granting of the ght, title and interest of the state of Wisconsin in d to the before named grants of land, erect and aintain passenger and freight depots within the city nits of the city of Hudson, and shall also, within o years from the passage of this act, construct, com- ete and put in operation a railroad from Monroe, in reen county, to Shullsburg, in the county of La Fay- te.

Further conditions of the grant.

SECTION 3. The governor is hereby authorized and rected, upon the presentation to him of satisfactory oof that the first sixty continuous miles of said rail- ad from St. Croix river or lake, at or near Prescott, the west end of lake Superior, and to Bayfield, have

When the governor is authorized to issue patents for the land, and for what amount.

been completed in accordance with said acts
gress and with this act, and that the said roa
completed from the Mississippi river as far as
or Mondovia, or from Eau Claire to Chippewa
issue and deliver, or cause to be issued or deli
said company, patents in due form from the s
for seven hundred and twenty sections of sa
and thereafter upon the completion of any twe
tinuous miles of said road from St. Croix river
towards Superior and Bayfield, he shall issue
liver, or cause to be issued or delivered to s
pany, patents for two hundred sections of sa
and shall make and deliver to said company
certificates as are required by the acts of
granting said lands: *provided*, that certificate
more than seven hundred and twenty section
land shall be issued until the completion of s
from the Mississippi river by way of Du
Mondovia and Eau Claire to Chippewa F
Menominee, and from said Monroe to Shulls
La Fayette county.

Company shall file resolution of acceptance.

SECTION 4. The said company shall, with
days from and after the passage of this act,
the secretary of state a resolution duly adopte
board of directors, accepting this grant upon t
and conditions herein contained, and shall also

Shall give satisfactory security

said sixty days, give to the state of Wisconsin s
rity for the completion of said road from S
river or lake to the west end of lake Superio
Bayfield, in accordance with the provisions of
of congress and of this act, as shall be require
governor, and upon the failure of said compan
said resolution and to give said security within
hereinbefore limited, this act shall be of no
far as it grants to said Milwaukee and St. Paul
Company, any interest in or right to said grant

If the company fail to perform, governor to proclaim forfeiture

SECTION 5. If the said Milwaukee and
Railway Company shall fail to file said resolu
to give said security as provided in the preced
tion, it shall be the duty of the governor, as t
of the state, to proclaim a forfeiture by the sa
pany of all rights and privileges under this
thereupon any other railway company that sh
after said proclamation of forfeiture hereinbe
ferred to, file with the secretary of state a resol
its board of directors accepting said grant u
terms and conditions of said acts of congress
this act, and shall deposit with the state treas
curity, approved by the governor, to constru

road in accordance with the provisions of said act of congress and of this act, shall succeed to the rights and privileges herein conditionally granted to the said Milwaukee and St. Paul Railway Company, as fully as though this act had in the first instance applied to said company.

SECTION 6. Upon the presentation to the state treasurer of satisfactory proof that said Milwaukee and St. Paul Railway Company has completed forty miles of said road from St. Croix river or lake towards the west end of lake Superior and to Bayfield, it shall be the duty of said treasurer, and he is hereby directed to pay over to said company all moneys in the treasury collected from trespassers on said lands embraced in said grants.

State treasurer to pay over trespass money.

SECTION 7. Any person who, prior to the first day of January, 1870, may have settled upon any quarter section or other subdivision less than a quarter section of said lands, and improved the same as a farm, and who has since continued to reside thereon and occupy the same as his home may, on proving such settlement, improvement and continued residence, acquire the title to the same by paying to said Milwaukee and St. Paul Railroad Company the sum of two dollars and fifty cents per acre for said land, such proof and payment to be made within one year from the passage of this act.

Actual settlers on land may purchase of company.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 177.

[*Published April* 8, 1873.]

AN ACT to authorize the town of Mineral Point to settle and compromise its railroad bond indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of compromising and settling the claims for railroad indebtedness against the town of Mineral Point, based and founded upon bonds heretofore issued by the town of Mineral Point to aid the construction of the Mineral Point Railroad, by authority of "an act to authorize the counties and

May compromise railroad bond indebtedness.

towns through which the Mineral Point R
passes to aid in its construction," approved Ma
1853, and which indebtedness may at the time
promising or settling the same, be represen
bonds, coupons, judgments, orders or decrees re
and made upon the same, it shall be lawful
board of supervisors of the said town of
Point, in concert with the common council of
of Mineral Point, to compromise or settle th
claims and indebtedness upon such terms and
tions as to them shall seem most advantageo
beneficial to said town and city, proceeding the
is hereinafter provided.

Shall appoint a railroad bond committee.

SECTION 2. At the first meeting after the
meeting in A. D., 1873, or as soon thereafter
be, the board of supervisors of said town shall,
order or resolution, to be entered upon its reco
point a railroad bond committee, consisting
persons, who shall be selected from, and be p
freeholders, tax payers, voters and residents
town; the said committee may be, by the said
of supervisors in its discretion, changed from
time, either in whole or in part, and said boar
fill any vacancies which may occur in said co
by death, resignation, or removal from the town,
thereof being always kept, so as to show what
compose said committee.

Article of agreement in writing, to be signed by the parties.

SECTION 3. Whenever the holder of any
indebtedness or claims shall have agreed with t
board of supervisors and the common council
said city of Mineral Point, to settle any of said
edness, an article in writing shall be made and
by the parties making said agreement, which sh
tinctly state what is agreed to be settled, th
terms of settlement agreed upon, both as to
mode and manner of payment. The said agr
shall then be submitted to said railroad bond c
tee appointed as aforesaid, acting with a simil
mittee of seven from the city of Mineral Poin

Committees shall endorse approval or disapproval of agreement.

said committees shall meet together to consi
same, and they shall endorse on the said agreem
writing over their signatures, their approval o
proval thereof, and return the same to the c
council of said city; if the said agreement is ap
by a majority of the whole of said committ
same shall be fulfilled by the parties making th
but if said agreement shall be disapproved by
jority of the whole of said committees, it shall
carried out or fulfilled, but shall be null and vo

SECTION 4. For the purpose of fulfilling and con-
mmating any agreement so made and so approved,
for the purpose of raising or borrowing money to
fill or consummate the same, the said board of
pervisors of said town of Mineral Point shall, for the
pective share and proportion of said town of any
h settlement and agreement, have power to issue
nds, with interest coupons attached, promissory
tes, orders or drafts, for such sum or sums to such
rson or persons, or corporations, bearing such rate
rates of interest, payable as to principal or interest,
such time or times, place or places, to order or
rer, as may be necessary to fulfill said agreement,
shall have power to stipulate and agree with the
der of any of said indebtedness, who may have the
ne in judgment, to pay a certain sum and interest
reon into the court where the judgment or decree
y be, in satisfaction of the same, the creditor being
mitted to hold the judgment as security for the ful-
ment of the stipulations; the said stipulations must
placed on record in said court, and must also first
e been agreed to and approved as aforesaid; all
ds, notes, drafts or stipulations issued or made
der the provisions of this act, by said town, shall be
ed by the chairman of the board of supervisors,
countersigned by the town clerk, and the said clerk
equired, before the delivery of any such bond, note,
r, draft or stipulation, to make and keep a full and
record thereof, which record may be written or
ted, or partly written and partly printed, in a book
e provided for that purpose.

Board of supervisors may issue bonds to fulfill agreement.

How bonds, notes, etc., to be executed.

CTION 5. For the prompt payment and fulfill-
of all the bonds, notes, orders, drafts or stipulations,
h may be issued under the authority of this act,
r the payment of necessary expenses incurred in
d to said indebtedness, the board of supervisors
id town of Mineral Point are hereby authorized
equired, at the time of levying their usual regu-
nual taxes, to assess and levy a tax upon all the tax-
property of said town from year to year, sufficient
mptly and faithfully pay, as the sums may become
all sums agreed to be paid by the said bonds,
orders, drafts or stipulations aforesaid, the inter-
hereon and the expenses aforesaid, and the sums
ied shall be collected with, and in the same man-
other town annual taxes, and all laws applicable
er taxes shall be applicable to taxes levied by
hereof, and the moneys so raised or borrowed,
taxes levied and collected to pay the same shall

Shall levy tax to pay all sums, as agreed upon.

How tax to be collected.

not be diverted or used for any other purpose, c
subject to any legal process whatever.

Not to issue bonds except for the payment of indebtedness as herein provided.

SECTION 6. The board of supervisors of said t
and such of the officers of said town, and the atto
and agents of each and of said town, are hereby exp
prohibited from issuing or delivering any of the b
promissory notes, orders, drafts or stipulations au
ized by this act, except for the purpose of settlin
said indebtedness, or unless the same shall have
first agreed for, and approved as herein provided
any such issue or delivery of any such bonds, pr
sory notes, orders, drafts or stipulations, or of eith
them, except as herein provided, by any officer,
ney or agent of said officers or of said town, sha
deemed an embezzlement, and the person, office
torney or agent so offending shall, upon convi
thereof, be punished by fine or imprisonment, or
at the discretion of the court.

Penalty for neglect of duty under this act.

SECTION 7. Any member of said board of s
visors who shall neglect, refuse, or in any way a
levying the taxes provided for in this chapter as th
required to be levied, or if they or any of the of
of said town shall neglect, refuse or avoid carryin
any of the provisions hereof for the payment of
bonds, promissory notes, orders, drafts or stipula
not made the subject of a special penalty, said p
or officer shall be deemed guilty of a misdemeanor
upon conviction thereof shall be fined in any sum
exceeding five hundred dollars, or be imprisone
the county jail of Iowa county not more than
months, or both, at the discretion of the court.
fines imposed and collected for a violation hereof
be used exclusively to pay the obligations autho
by this act.

SECTION 8. This act shall take effect and be in
from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 178.

[*Published April* 7, 1878.]

N ACT to authorize the county of Iowa to settle and compromise its railroad bond indebtedness.

e people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of compromising and tling the railroad bond indebtedness of the county of va, based and founded upon bonds heretofore issued, aid in the construction of the Mineral Point Railroad, authority of "an act to authorize the counties and ns through which the Mineral Point Railroad ses, to aid in its construction," approved March 23, 3, and which said indebtedness may, at the time of ling or compromising the same, be represented by ds, coupons or judgments rendered upon the same, board of supervisors of the county of Iowa shall e power to compromise and settle said indebtedes, or any part thereof, upon such terms and condiis as to them may seem most advantageous and eficial to said county, as hereinafter provided.

May compromise railroad bond indebtedness.

ECTION 2. The said board of supervisors may, in discretion, appoint three of its members a committo negotiate for such compromise or settlement, unthe direction of said board, and said committee l, whenever they shall have agreed with the holder any of said indebtedness, to settle the same, cause article or agreement in writing to be made, stating rein distinctly what is agreed to be settled, the terms settlement, both as to amount, interest, mode and nner of payment, which shall be signed by the par- making the same, and shall then be submitted to board of supervisors aforesaid for approval or disroval. If said agreement be approved by a maty of two-thirds of said board, the same shall be ied out and fulfilled by said board, but if said eement shall fail to receive such approval of said rd, it shall not be carried out or fulfilled, but shall null and void. The said board of supervisors shall e full control and power over said committee, and y at any time remove all or part of its members, appoint new ones in their places, or may abolish l committee altogether.

Shall appoint committee to negotiate compromise, and execute agreement.

Board of supervisors may issue bonds to fulfill agreement.

SECTION 3. For the purpose of fulfilling summating any agreement made by the said b supervisors, or by the said committee, and appr above provided, or for the purpose of raising rowing money to fulfill and consummate the sa said board of supervisors of said county of Io have power to issue bonds, with interest coup tached, promissory notes, orders or drafts, for su or sums, to such person or persons, or corporatio ing such rate or rates of interest, payable bot principal and interest, at such time or times, p places, to order or bearer, as may be necessary fill said agreement; or shall have power to s and agree with the holder of any of said indeb who may have the same in judgment, to pay a sum and interest thereon into the court where th ment may be, in satisfaction of the same, the being permitted to hold the judgment as secu the fulfillment of the stipulations; the said stip must be placed on record in the said court and m have first been agreed to by the said board or sa mittee, and approved as above provided.

How bonds, notes, etc., to be executed.

SECTION 4. The bonds, promissory notes, drafts and stipulations authorized hereby, s signed by the chairman of the board of superv said county, and countersigned by the county who shall affix the seal of said county thereto said clerk is hereby required, before the deli any such bond, promissory note, order, draft o lation, to make and keep a fair and full record t in a book to be provided for that purpose, a record may be written, or partly written and printed.

Not to issue bonds except for payment of indebtedness.

SECTION 5. The board of supervisors of said and each of the officers of said county, and the at and agents of each are hereby expressly pro from issuiug or delivering any of the bonds, sory notes, orders, drafts or stipulations, author this act, except for the purpose of settling said edness, or unless the same shall have first been for and approved as above provided; and suc or delivery of any such bonds, promissory note ders, drafts or stipulations, or either of them, ex herein provided, by any member of said board, or officer of said county, or by the attorney or ag either, shall be deemed an embezzlement, and t son, officer, attorney or agent so offending, shall

viction thereof, be punished by fine or imprison-
nt, or both, at the discretion of the court.

SECTION 6. For the prompt payment and fulfill-
nt of all the bonds, promissory notes, orders, drafts
stipulations, which may be issued and delivered un-
authority of this act, the said board of supervisors
the county of Iowa are hereby required, in due and
per time, to assess and levy a tax upon all the tax-
e property of said county, from year to year, a sum
icient to promptly and faithfully pay, as the same
y become due, all moneys agreed to be paid by the
l bonds, promissory notes, orders, drafts or stipula-
s aforesaid, and the sums so levied shall be collect-
with and in the same manner as are other county
es; and all laws applicable to such other taxes shall
pplicable to taxes levied by virtue hereof; and the
eys so raised or borrowed, or the taxes levied and
ected to pay the same, shall not be diverted or used
ny other purpose, or be subject to any legal pro-
whatever.

Shall levy tax to pay all sums agreed upon.

How to be collected.

SECTION 7. Any member of the board of supervis-
of the said county of Iowa, who shall neglect, re-
or in any way avoid, to levy the taxes herein pro-
d for, as required by this act to be levied, or any
ber of said board, or any officer of said county, or
officer of any town or city in said county, or either
em, who shall neglect or refuse or avoid to comply
any provision of this act, or of any law of this
e, so as to hinder or delay the collection of said tax,
made the subject of special penalty, shall be guilty
misdemeanor, and upon conviction thereof, shall be
d in any sum not exceeding five hundred dollars, or
mprisoned in the county jail not more than six
ths, or both, at the discretion of the court; all fines
osed and collected for a violation of this act shall
sed exclusively to pay the debts authorized by this

Penalty for neglect of duty under this act.

SECTION 8. This act shall take effect and be in force
n and after its passage and publication.

Approved March 17, 1873.

CHAPTER 179.

[*Published April 1*

AN ACT to legalize the acts of John Mullen and Fra
heim, justices of the peace, while acting as a board
in and for the town of Taycheedah, Fond du Lac cou
consin.

The people of the state of Wisconsin, represented
and assembly, do enact as follows:

Acts as justice legalized.

SECTION 1. That all of the acts of John Mu
Frank Hartzheim, justices of the peace, wh
ciated as a board of health in and for the town
cheedah, in the county of Fond du Lac, state
consin, and who, while acting in the months of
and November, A. D., 1871, as such board, did
the provisions of chapter thirty-two of the
statutes, are hereby legalized.

Supervisors to audit accounts.

SECTION 2. That the board of supervisor
said town of Taycheedah are hereby autho
audit and allow, and to issue town orders in se
of all accounts and claims consequent upon suc
of said justices, and certified by them as just
rect.

SECTION 3. This act shall be in force f
after its passage and publication.

Approved March 17, 1873.

CHAPTER 180.

AN ACT to authorize C. M. Worth to erect and mainta
and piers on the Winneshiek slough, in Crawford co

The people of the state of Wisconsin, represented
and assembly, do enact as follows:

May erect boom

SECTION 1. C. M. Worth, his associates and
are hereby authorized and empowered to er
and maintain a boom and the necessary piers
in the Winnesheik slough, and across said slou
first island from the east bank of the Mississip
south of the boundary line between Crawford
non counties, from Cheeney's addition to De
Crawford county, within the restrictions presc
section two of this act.

SECTION 2. Said boom and piers shall be so con- Not to obstruct navigation.
tructed as not in any manner to obstruct the navigation of the Mississippi river, to which said Winnesheik ough is tributary.

SECTION 3. No person shall have any right, by virtue of this act, to erect, keep or maintain such boom or ers, or any part thereof, on lands to which he shall t at such time have the legal right of possession. Not to infringe upon others' rights.

SECTION 4. Any person who shall willfully break injure said boom or piers shall be liable to the owner reof, in a civil action, for the damages thereby done, be recovered in any court of competent jurisdiction, addition to the penalty prescribed by law. Penalty for willful injury.

SECTION 5. This act shall take effect and be in e from and after its passage.

Approved March 17, 1873.

CHAPTER 181.

[*Published March* 24, 1873.]

ACT to amend section one of chapter seventy-nine of the neral laws of 1870, entitled "an act to provide for the admission to the bar of the graduates of the law department of the isconsin University."

people of the state of Wisconsin, represented in senate d and assembly, do enact as follows:

ECTION 1. Section one of chapter seventy-nine of general laws of 1870 is hereby amended by adding eto: "And for each such license or certificate of admission to the bar of the supreme court, a fee of one ar only shall be charged." Amended.

ECTION 2. This act shall take effect from and after assage.

pproved March 17, 1873.

CHAPTER 182.

[*Published March* 25,

AN ACT to repeal section two of chapter thirty of the laws of 1870, and section two of chapter one hun forty-two of the general laws of 1871, and chapter nin of the general laws of 1872, relating to the attorneys justices' courts.

The people of the state of Wisconsin, represented i and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter ninety- the general laws of 1872, entitled, "an act rela attorneys' fees in justices' courts and amend section two, chapter one hundred and forty-two general laws of 1871," is hereby amended by to section one the following: "*provided*, that n neys' fees shall be allowed in any cause tried b justice of the peace, where the judgment, exclu costs, does not exceed fifty dollars.

SECTION 2. This act shall take effect and force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 183.

AN ACT to amend chapter three hundred and seventy the private and local laws of 1871, entitled "an act lish a ferry across Lake Pepin."

The people of the state of Wisconsin, represented i and assembly, do enact as follows:

Amended—location of ferry.

SECTION 1. Section two of chapter three h and seventy-seven of the private and local 1871, entitled "an act to establish a ferry acro Pepin," is hereby amended so as to read as f Said ferry shall be kept and maintained, at any be designated by the said Andrew Gilberg, his ates, heirs or assigns, within two miles northwe southeasterly up and down the Wisconsin shore lake from a point where the east and west quarte line of section number twelve in township numb

y-three north, of range number sixteen west (being in the own of Stockholm, in the county of Pepin, and state f Wisconsin) strikes said lake, and the rights and rivileges herein granted shall continue and be in force r the space of fifteen years from and after the passage this act, and no person shall be allowed to set up, eep or maintain any ferry, or carry any person, ani- als, goods or chattels, for pay or hire, across said lake ring said space of time for a distance of two miles ove and along the shore of said lake, and also for a tance of two miles below and along said shore from point where said quarter section line strikes said e as aforesaid.

Exclusive right granted.

SECTION 2. Section three of said chapter of said is hereby amended so as to read as follows: The l Andrew Gilberg, his heirs, associates or assigns, ll, within thirty-six (36) months from and after the sage of this act, place and maintain, at the point esaid, such good and sufficient boat or boats as be necessary to carry across said lake all teams, es, cattle and other property, and for the accom- lation of all passengers, at all hours of the day, seven o'clock, A. M. until seven o'clock, P. M., the 15th day of May until the 15th day of ember of each year, and shall forfeit and pay to y person all damages which such person may suf- by reason of the said Andrew Gilberg and his ciates failing in any manner to give prompt and attendance upon such person or persons desiring oss said ferry, or for failing or neglecting to keep a and sufficient boat or boats for crossing the same: ided, that such ferriage shall not be required when, eason of high winds, ice, or other good and suf- nt cause, the same would be rendered imprudent ngerous.

Amended—Shall keep good and sufficient boats.

CTION 3. Section four of said chapter of said act reby amended by striking out the words, "ex- to those crossing said ferry between the hours of o'clock, P. M., and five o'clock, A. M.," and in lieu of, inserting the following: "except to those ing said ferry between the hours of seven o'clock, ., and seven o'clock, A. M."

Amended—when increased rates charged.

CTION 4. Section five of said chapter of said act reby amended, by striking out the words, "be- the hours of eight o'clock P. M. and five o'clock ." in the first paragraph thereof, and inserting in hereof the words, "between the hours of seven k, P. M. and seven o'clock, A. M."

Amended.

Amended.

SECTION 5. Section seven of said chapte act is hereby amended, by striking out th "eighteen," in the third line thereof, and ins lieu thereof, the words and figures, "thirty-six

Approved March 17, 1873.

CHAPTER 184.

AN ACT to amend chapter four hundred and sev private and local laws of the year 1866, entitled " incorporate the Milwaukee and Menomonee Falls Ma Road Company.

The people of the state of Wisconsin, represented and assembly, do enact as follows:

Repealed.

SECTION 1. Section seventeen of chapter f dred and seven of the private and local laws of 1866, entitled "an act to incorporate the M and Menomonee [Falls] Macadamized Road Co is hereby repealed.

SECTION 2. This act shall take effect a force from and after its passage and publicatio

Approved March 17, 1873.

CHAPTER 185.

[*Published March 2*

AN ACT to amend an act to consolidate and amend incorporate the city of Kenosha, and the several ac tory thereof, approved March 2, 1857.

The people of the state of Wisconsin, represented and assembly, do enact as follows:

Approval or disapproval of ordinances by the mayor.

SECTION 1. Every ordinance passed by the council of the city of Kenosha, before the sa take effect, shall be submitted to the mayor fo nature. If he approve it he shall sign it, i approve it, he shall within five days return th the common council or city clerk with his o thereto in writing; thereupon the common

l cause such objections to be entered upon the jour- and proceed to reconsider such ordinance; if after n reconsideration, two-thirds of all the members of council, by a vote taken by yeas and nays to be red on the journal, shall agree to such ordinance, same after due publication shall be in full force effect. In case the mayor shall not return such nance to the common council, or to the city clerk, hin five days with his objections, the same shall in manner become of full force and effect.

ECTION 2. The office of marshal of said city is eby abolished, and all the powers and duties con- ed by the city charter or ordinances upon the mar- , are hereby conferred upon such officer or officers he peace as shall be appointed by the mayor and irmed by the common council under the city ter. Duties of marshal transferred.

ECTION 3. The common council shall have power they are hereby empowered to remove such officer fficers, and appoint others to fill such office, when- they shall deem it for the interest of said city, n new officer or officers to be appointed and con- ed as authorized in section two of this act. Council may remove officers and fill vacancies.

ECTON 4. The common council shall have power ass and enforce such ordinances as they may deem essary to regulate and cause to be constructed, red and maintained, wharves along the bank of e creek, and exercise the same power and control r said creek within said city as by virtue of the charter they possess over streets and alleys. May provide for wharves.

ECTION 5. This act shall take effect and be in force n and after its passage.

Approved March 17, 1873.

CHAPTER 186.

ACT to amend chapter three hundred and seventy-six of ne local laws of 1858, entitled an act authorizing John W. tewart to build and maintain a dam in the Pecatonica river, n the county of La Fayette.

e people of the state of Wisconsin, represented in sen- te and assembly, do enact as follows:

ECTION 1. Section one of chapter three hundred seventy-six of the local laws of 1858 is hereby Amended—may build and maintain dam.

amended by striking out the word, "ten," wher
curs after the word, "or," in said section, also
out the word, "or," where it occurs between the
"nine" and "ten," and insert the word, "or,"
the word, "nine," so that the whole section, as an
will read: Section 1. John W. Stewart, his heirs
ates, successors and assigns is and are hereby
ized and empowered to build and maintain a dam
the Pecatonica river at any point he or they ma
most suitable, on any land he or they now
hereafter own in sections three, four or nine in to
one north, of range number five east of the four
cipal meridian, and to erect and operate mills o
machinery, or in any other manner to make use
water for hydraulic purposes, as he or they may
and to sell or lease the right to use said water or a
thereof, and in as many parts as he or they may
to any person or persons, whomsoever, body or
whatsoever; he or they may also build and m
all such wharves or buildings as he or they ma
necessary for the facilities of business: *provid*
said dam shall not interfere with any dam now
or heretofore authorized by law to be erected
stream.

May erect and operate mills.

May lease water power.

Approved March 17, 1873.

CHAPTER 187.

AN ACT to amend sections three and four of chapter
dred and twenty-six of the private and local laws of
titled an act to incorporate the Milwaukee and B
Macadamized Turnpike Road Company.

The people of the state of Wisconsin, represented i
and assembly, do enact as follows:

Amended.

SECTION 1. Section three of chapter one h
and twenty-six of the private and local laws o
entitled an act to incorporate the Milwaukee and
field Macadamized Turnpike Road Company, is
amended by striking out the word, "seven," wh
is occurs in said section three.

Amended—may elect directors.

SECTION 2. Section four of said chapter on
dred and twenty six is hereby amended so as
as follows: The stockholders of said company s
their first election of directors held subsequently

sage of this act, and annually thereafter, elect by lot five directors, who shall be stockholders, and en elected shall constitute the board of directors of d company, by whom the affairs of said company all be managed. At all elections held for the elec- n of directors, every share of the capital stock of d company shall entitle the owner thereof to one te, the votes to be given in person or by proxy duly thorized, and the five stockholders receiving the gest number of votes at any such election, shall be clared duly elected directors: *provided*, that if at any h election a sufficient number of votes shall be cast represent a majority of all the shares of the stock said company, declaring in favor of a board of di- tors composed of three instead of five directors, n and in such case the three stockholders receiving largest number of votes cast at such election, shall declared duly elected directors, and shall constitute h board of directors. The directors shall appoint of their number president, and shall serve until ers are elected in their stead. They shall make and blish such by-laws, rules, orders and regulations, inconsistent with the constitution and laws of the ited States and the state of Wisconsin, as may be essary for the well ordering and conducting the af- s of said company.

Each share entitled to vote.

May determine number of directors.

Shall appoint president and make by-laws.

SECTION 3. This act shall take effect and be in force n and after its passage and publication, and all acts parts of acts contravening the provisions of this are hereby repealed.

Approved March 17, 1873.

CHAPTER 188.

[*Published March 25, 1873.*]

AN ACT to amend chapter one hundred and thirty-seven of the general laws of 1867, in relation to the election of county superintendents of the poor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and rty-seven of the general laws of 1867 is hereby ended so as to read as follows: No member of any

Amended—not eligible for superintendent of poor.

county board of supervisors in any county i
county superintendents of the poor are ele
chosen by the board supervisors, shall be eli
or hold the office of superintendent of the
poor, during the term for which he shall ha
elected supervisor; but this act shall not be co
to prevent the county board of supervisors fro
as such superintendents in any county where
expressly authorized or required by law to act
superintendents.

SECTION 2. This act shall take effect and be
from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 189.

[*Published March 9*

AN ACT relating to practice in civil actions.

The people of the state of Wisconsin, represented
and assembly, do enact as follows:

Shall serve copy of findings.

SECTION 1. In all actions tried by the cou
a referee, and wherein the findings of fact
clusions of law of such court or referee shall
it shall be the duty of the prevailing party
upon the attorney for the losing party a corre
of such findings of fact and conclusions of la
notice of the time and place of such filing,
losing party shall have ten days after service
copy and notice in which to file exceptions
findings of fact and conclusions of law.

SECTION 2. This act shall take effect and be
from and after its passage.

Approved March 17, 1873.

CHAPTER 190.

ACT to appropriate certain islands (of unsurveyed swamp d overflowed lands) in Fox river, in Marquette county, for idge purposes.

people of the state of Wisconsin, represented in senate nd assembly, do enact as follows:

Islands appropriated for bridge purposes

ECTION 1. That the islands (of unsurveyed swamp overflowed lands) in the Fox river, situate, lying being in the county of Marquette, be and the same hereby appropriated to Edward McCaffrey, S. A. enix and John Smith, as commissioners in trust for own of Packwaukee in said county of Marquette: *ided*, that this act shall not divest or in any way t whatever estate, right, title and interest, legal or table, (if any,) the Fox and Wisconsin Improve- t Company or the trustees of said company, (so d,) or their grantees, may have in and to the same; *provided*, said commissioners shall, within two s from the passage of this act, cause said islands e measured and surveyed by the county surveyor aid county of Marquette, or by the county sur- or of some adjoining county, and also within the e period of time, cause a certificate, signed by the eyor, to be filed in the office of the secretary of state, ribing such lands as parts of contiguous sections, ving the number of acres and parts of acres therein ained.

May lease or sell said islands

ECTION 2. The said commissioners are hereby em- ered to lease, rent, sell and convey said islands, for purpose of aiding in the erection and construction pairing of a bridge in said Marquette county, located described as follows to wit: A bridge over Buffalo e, in the village of Packwaukee; and to execute to purchaser or purchasers of said lands appropriated foresaid, sufficient and ample deeds of conveyance, fee simple, and to apply the proceeds of such e or sales, or the rents or profits thereof, in the aid the bridge aforesaid: *provided*, no part of said islands ll be sold for a less amount than one dollar and enty-five cents per acre.

Governor to execute trust deed to commissioners.

SECTION 3. Upon the presentation of the certificate said commissioners, accompanied with the certificate the said surveyor, that said islands have been duly d correctly surveyed as aforesaid, the governor of the te shall, in his official capacity, and in behalf of the

state, and under the great seal thereof, execu
deliver to said commissioners a trust deed of th
comprising the islands aforesaid, describing said
in said deed, the same as shall be described
certificate of survey; which said deed shall vest
commissioners the right to sell, convey and dis
the same, in the manner provided in this act: p
that no deed shall be executed by the govern
delivered to said commissioners as aforesaid, un
commissioners shall severally give bonds to th
of Wisconsin, in an amount of not less than fi
dred dollars each, with sureties to be approved
governor, conditioned for the faithful perform
their duties, as said commissioners, and the
application and disposition of all moneys arisin
any sale by them of said islands, or any rents o
of the same, which said bonds shall be filed
office of the secretary of state.

May fill vacancy.

SECTION 4. When a vacancy shall occur by th
resignation or removal of either of said commis
the two remaining commissioners shall have p
fill said vacancy by appointment.

How proceeds appropriated.

SECTION 5. The proceeds and all moneys
from the sales of the said islands, or any part o
thereof, or from the rents and profits of the sam
be appropriated to the said bridge mention
described in section two of this act.

Shall give notice of sale of lands.

SECTION 6. Whenever said commissioner
desire or think proper to sell the said islands,
part or parcel thereof, they shall advertise the
some newspaper published in said county of Ma
at least four weeks prior to the time fixed for t
as aforesaid, and at the time and place fixed
notice, shall proceed to sell the same to the
bidder complying with the terms required by sa
missioners.

State not liable for commissioners' fees.

SECTION 7. The commissioners named in
shall not be entitled to receive from this state a
pensation for services performed under this
shall the state be liable for any expenses inc
carrying out the provisions of this act.

SECTION 8. This act shall take effect and be
from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 191.

[*Published March* 24, 1873.]

AN ACT relating to contested seats in the legislature, and amendatory of section seven of chapter nine of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven of chapter nine of the revised statutes is hereby amended by adding the following: "and shall also file or cause to be filed in the office of the secretary of state, at least ten days before the day fixed by law for the meeting of the legislature, a copy of such notice, and the secretary of state shall not issue to any member of the legislature, any warrant for the payment of mileage or salary, whose seat is contested, until such contest is decided; and if any contestant shall fail to file, or cause to be filed, such notice with the secretary of state as herein provided, he shall not be entitled to any pay for mileage or salary, in case payment has been made therefor to the sitting member.

Amended—shall file copy of notice.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 192.

[*Published March* 29, 1873.]

AN ACT to enable the towns of Eagle and Ottawa, in the county of Waukesha, to unite and expend the drainage fund of said towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The drainage fund now belonging to the towns of Eagle and Ottawa, in the county of Waukesha, may be united and expended according to law in either of said towns, as the supervisors of said towns shall jointly determine.

Drainage fund united.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 193.

[*Published March 20*

AN ACT to change the management of the state prisc amend and consolidate all laws concerning the s

The people of the state of Wisconsin, represented and assembly, do enact as follows:

State prison at Waupun declared general penitentiary.

SECTION 1. The state prison at Waupun county of Dodge, shall be the general penitent prison of the state of Wisconsin, for the pun and reformation of offenders, in which shall fined, employed at hard labor, and governed manner hereinafter directed, all offenders wl been committed and sentenced according to any court of the state of Wisconsin, or any the United States, held in the districts of Wisc the punishment of solitary imprisonment or i ment at hard labor.

Shall be deemed in county of Dodge.

SECTION 2. For the purpose of all judicial ings, the prison and precincts thereof shall be to be within and a part of the county of Do the courts of said county shall have jurisdictic crimes and offenses committed within the same

How processes to be served.

SECTION 3. All processes to be served wi precincts of the prison, either upon convicts persons or officers employed within the prec the prison, shall be served by the warden or warden; and all officers of the prison shall be from military duty, from serving on juries court, and from highway poll tax.

Official visits to prison.

SECTION 4. The prison shall be visited by ernor and legislative joint committee on charit penal institutions, at least once in each y oftener if the governor shall deem proper, for pose of examining into its concerns and asce its condition, and shall report the same to the ture.

OFFICERS AND SALARIES.

The officers and their salaries.

SECTION 5. The officers of the prison shall of three directors, one warden, one deputy war clerk, one chaplain, one gate-keeper, one turnk guards, one overseer of cooking department, o seer or keeper to each department of mechanic which is or may be established in the prison,

matron for the female prison department. The warden shall appoint such additional guards, not exceeding five, and such additional keepers not exceeding seven, as any emergency may demand. But such additional guards or keepers shall not become permanent, or hold their positions for a longer period than thirty days, without the approval of the directors.

How directors appointed—their term of office.

SECTION 6. The directors shall be appointed by the governor, with the advice and consent of the senate, subject to removal in like manner. Said directors shall be appointed and commence their duties on the first day of January, 1874; one of said directors shall hold his office for two years, one for four years, and one for six years, and thereafter all appointments shall be made for the term of six years. Appointments to fill a vacancy shall be for the residue of the term only.

Warden and clerk.

SECTION 7. The warden and clerk shall be appointed by the directors, to hold their respective offices for the term of three years, unless sooner removed by said directors, and said directors are hereby authorized to remove said warden and clerk at their discretion.

All other officers.

SECTION 8. All other officers and assistants in the prison shall be appointed by the warden, subject to the approval of the directors, and shall hold their offices during the pleasure of the warden. The warden shall immediately report to the directors all appointments made by him.

Annual salaries of the officers.

SECTION 9. The officers of the prison shall receive the following annual salaries and wages, viz: Each director, three dollars per day, for actual services and necessary traveling expenses; the warden, two thousand dollars; the deputy warden, one thousand dollars; the clerk, one thousand dollars; the chaplain, eight hundred dollars; the overseers of machinery in the respective departments of mechanical labor, shall each receive the sum of sixty dollars per month; and all other overseers and all keepers and guards shall each receive the sum of forty-five dollars per month. The warden, in case of exigency, and with the consent of the directors, when the interests of the state shall require it, may pay an additional sum, not to exceed fifty cents per day, to any person of either of the two last above named classes of officers. The matron shall receive twenty-five dollars per month; and the physician and surgeon shall receive such compensation for his services as the directors may allow. No other perquisite, reward or emolument shall be allowed to or received by either of them, except that there shall be allowed to the warden and deputy warden each, sufficient house room, with fuel

May pay additional sum.

No other pay to be allowed.

and lights for themselves and families. All offi
employes, except the directors, clerk, chaplain a
sicians, shall be subsisted in the prison at the
of the state.

Directors to visit prison monthly.

SECTION 10. The directors or some one
shall visit the prison at least once in each mo
it shall be visited by the board of directors
each quarter, and oftener if they think neces
the purpose of inspecting the books and all
cerns of the prison, and ascertaining whether
are competent and faithful, and the convicts
governed and employed, with power to dir
alteration in the business there carried on, whi
directors may consider necessary.

Books to be open to examination.

SECTION 11. All books and documents rel
the concerns of the prison shall, at all times be
the examination of the directors, who shall,
each quarter of the year, carefully examine sai
and compare them with the vouchers and do
relating thereto.

How vacancies filled.

SECTION 12. If the office of director shall
vacated, by death or resignation, or other ca
vacancy shall be filled for the unexpired term
governor, subject to the approval of the sena
session, and if it is not, subject to its approv
first session thereafter. If any office become
in any manner, which is filled by the ward
directors or either of them, the vacancy shall
in the same manner as appointments are made.

Shall make an annual report.

SECTION 13. The directors shall, on or be
15th day of October in each year, make a det
port to the governor for the year ending on
day of the preceding month, stating therein th
of the officers of the prison, with their several
the number of convicts, the amount of manuf
the number of volumes in the prison library,
cost of each addition to and change in the
buildings, together with a full statement of all
cerns of the prison.

THE WARDEN.

Duties of the warden.

SECTION 14. The warden shall have the
and custody of the prison, with the lands, bu
furniture, tools, implements, stock and provisio
every other species of property pertaining the
within the precincts thereof; and shall superint
police of the prison and discipline of the convic

He shall be treasurer of the prison, and make monthly reports.

shall be treasurer of the prison and he shall re
the directors, on the first day of each month, a

accurate statement of all moneys received by him, and all sums of money expended by him, during the preceding month, showing on what account received and expended, and shall accompany said report with proper vouchers for all such expenditures, which report shall be verified by the oath of the warden, and shall receive and pay out all moneys granted by the legislature for the support of the prison, and such as may accrue from the business of manufacturing, under contract or otherwise, the rentage or sale of any article or articles of chattel property. It shall be the duty of the warden to keep an account of all moneys received for gate fees for admission of visitors to the prison, the amount of which for each year shall be embraced in his annual report, and shall constitute a part of the prison revenues.

He shall give a bond and take and subscribe oath of office.

SECTION 15. Before the warden enters upon the duties of his office, he shall give a bond to the state of Wisconsin in the sum of twenty thousand dollars, with two or more sufficient sureties to be approved by the governor, conditioned that he will faithfully account for all moneys placed in his hands as prison treasurer, and perform all duties incumbent upon him as warden of the prison; he shall also, before entering upon the duties of his office, take and subscribe an oath to support the constitution of the United States and the constitution of the state of Wisconsin, and that he will discharge the duties of his office faithfully and to the best of his ability; and such bonds, with the approval of the governor endorsed thereon, and the oath aforesaid, shall be filed in the office of the secretary of state.

May be required to file new bonds.

SECTION 16. Whenever the governor shall deem it necessary, he may require the warden to file new bonds with satisfactory security, in a larger sum than that specified in section fifteen of this act, subject to the approval of the governor; but such new bonds shall not be larger than the necessities of the case may require.

Shall make rules.

SECTION 17. The warden shall make such rules and regulations, not inconsistent with the laws of this state, for the government of the officers and convicts of the prison as he may deem necessary and proper, subject to the approval of the directors.

Shall reside within the prison limits.

SECTION 18. The warden shall reside within the precincts of the prison, and neither the warden nor any prison officer appointed by him, or holding an office in the prison, shall directly or indirectly have any interest or concern pecuniarily, in any contract, either verbal or written, which may be entered into by said warden on

the part of the state, for any purpose whate
nected with the business of the prison.

Shall make annual detailed report.

SECTION 19. The warden shall, on the thir
of September in each year, make an annual
report to the directors, verified on oath, which
tain a full and accurate statement of all concer
prison for the year ending on that day; also
convicts who have been received, discharged,
or died during the year, including the prison
tenced by United States courts, and an estima
penses for the ensuing year; which report the
shall submit to the governor with their own, an
be submitted to the legislature.

DEPUTY WARDEN.

Duties and powers of the deputy warden.

SECTION 20. It shall be the duty of th
warden to perform the duties of warden in the
of that officer, and for the purpose of fully c
with the requirements of this section, he sh
within the precincts of the prison grounds;
under the direction of the warden, assist in ad
ing the government and discipline of the pri
he shall perform all the duties and have all th
and be subject to all the obligations and lia
the warden, in case of the disability of that
vacancy of that office.

PRISON CLERK.

Duties of the prison clerk.

SECTION 21. It shall be the duty of th
clerk to keep, in suitable books, regular and
accounts of all the expenses, income, business
cerns of the establishment; also a register o
victs received, discharged, pardoned or died,
other matters as may be necessary in statisti
kind. He shall, at all suitable hours, pe
warden and all other authorized persons to ex
books in his office. He shall act as secreta
board of directors, and perform such clerical
they may require of him.

Deputy warden and clerk to give bonds.

SECTION 22. Before either the deputy w
prison clerk enters upon the duties of his of
shall give bonds to the state of Wisconsin, in
of ten thousand dollars, with two or more
sureties, to be approved by the governor, co
that he will faithfully perform all the duties in
upon him as deputy warden or prison clerk;
bond, when so approved, shall be filed in the
the secretary of state.

MEDICAL ATTENDANCE.

SECTION 23. Whenever any convict shall complain any such illness as requires medical aid, the warden all employ some physician who shall visit such convict, and if, in the opinion of such physician, the illness is such as to require his removal to the hospital, the warden may order such removal, and the convict shall remain in the hospital until the physician shall determine that he may leave it without injury to his health. Warden shall employ physician.

CHAPLAIN.

SECTION 24. The chaplain shall hold divine service in the chapel once on each Sabbath, instruct the prisoners in their moral and religious duties, and visit the sick on suitable occasions. He shall also act as librarian and prepare a list of the number and titles of the books in the library, with a statement of their condition, which information shall be embodied in the report of the warden to the directors, required by section nineteen of this act. He shall be in attendance at the prison daily during usual business hours, unless excused by the warden. He shall devote not less than three hours per day, once in each week, and oftener, if the board of directors shall consider it necessary, to instructing those prisoners who need such instruction, in the common branches of English education; and with the consent of the warden, may call to his assistance in such educational labors, such persons as he may deem qualified from among the convicts of the prison. Offices and duties of the chaplain.

SECTION 25. A Catholic clergyman may also be engaged by the warden to hold services once each month for the benefit of prisoners of that faith, at an expense not to exceed two hundred dollars per annum. May engage Catholic clergymen.

CONTRACTS.

SECTION 26. All contracts made on the part of the state, by the warden, on account of the prison, shall be in writing and approved by the directors before taking effect, unless when the wants or necessities of the prison shall compel the warden to purchase supplies of any kind immediately; in which case, he may purchase the same upon verbal agreement, and in either case, the warden or his successor may sue or be sued thereon to final judgment and execution. No suit shall abate by reason of the office of warden becoming vacant, but any successor of the warden, pending such suit, may take upon himself the prose- How all contracts to be made. How suits prosecuted.

cution or defense thereof, and upon the motion
adverse party and notice, he shall be required
so, except in the purchase of annual supplies o
fuel and such other articles as are required an
in large quantities for prison consumption or m
turing purposes. The warden shall have po
make all purchases for the prison, on such con
and in such manner as in his opinion will be
mote the interests of the state.

May submit to arbitration.

SECTION 27. Whenever a controversy sha
respecting any contract made by the warden,
count of the prison, or a suit shall be pending t
the warden may submit the same to the final det
tion of arbitrators or referees, to be appointed
governor.

Shall contract for supplies by the year, and give public notice.

SECTION 28. Whenever the warden shall
mine to contract for the furnishing of the p
articles purchased for the use of the prison,
food, fuel, lumber, stone, iron or steel, the sam
be contracted for by the year, when such contr
be advantageously made; the warden shall giv
ous notice in at least two newspapers printed
state of Wisconsin, of the articles wanted, the
and quantity thereof, as near as the same can b
tained, the time and manner of delivery, and
riod during which such articles shall be receive
notice shall be published at least three successive

How proposals to be made and accepted.

SECTION 29. All such proposals shall be in
and sealed up, and upon the day appointed in
tice in the foregoing section, they shall be ope
the warden, who shall cause all offers made
proposals to be entered in a book and compared
person offering the best terms, together with
tory security for the performance, which shal
quired by the warden in said notice, shall be
to the contract, unless it shall appear to the
that no one of the offers is as low as the fair
price; in that case, no offer shall be accepted,
warden may, if he thinks necessary, advertise
and proceed as before provided for.

Contractors to give bonds.

SECTION 30. All persons contracting under
visions of the preceding sections shall give b
the warden in a reasonable sum, with satisfac
curity, for the faithful performance of their c
All bills contracted by the warden for purchase
count of the prison shall be approved by one
of the directors before payment.

SECTION 31. The warden shall take bills of the antity and price of the supplies furnished in all cases ere the same is practicable, at the time of their de- ery; and the clerk or such other officer as the clerk ll direct, shall compare the bill with the articles de- ered; and if the same are found correct, he shall ke a corresponding entry on the account books of prison, and file the bill as a voucher of the fact of h delivery. If any bill so rendered for supplies shall discovered to be incorrect on comparing it with the cles delivered, the clerk shall immediately give no- to the person furnishing such supplies.

Shall take bills and compare with the articles received.

ECTION 32. It shall be the duty of the sheriff or uty sheriff of each county in this state to con- to the state prison all persons convicted in his nty and sentenced to be confined in said prison, oon as may be after such conviction and sentence l have been had; and after delivering such con- or convicts to the warden, together with a copy he sentence of the court ordering such imprison- t, the warden shall deliver to such sheriff or ty sheriff, a receipt in which he shall acknowl- having received the prisoner or prisoners, naming , which receipt the said sheriff or deputy sheriff file in the office of the clerk of the circuit court e such conviction and sentence were had. And sheriff or deputy sheriff shall be entitled to re- from the treasurer of the proper county the nt actually and necessarily expended by him in porting such prisoner or prisoners, including the nt paid for boarding and lodging, and such guards ay have been necessarily employed by such sheriff eputy sheriff, and such further reasonable sum as be a fair compensation for the time necessarily t in transporting such prisoner or prisoners, to be l and allowed by the proper auditing officer or au- g board of the proper county.

Conveyance and delivery of the convicts to custody of warden.

Expenses of transporting prisoner to be paid.

CTION 33. Whenever a sheriff or deputy sheriff deliver to the warden a prisoner or prisoners, who be under the influence of spirituous liquors at the of such delivery, said warden shall state in his re- to the sheriff or deputy sheriff, the condition in h said prisoner or prisoners were delivered; and hall in such case make a duplicate receipt and send ame to the clerk of the circuit court where the iction and sentence of such prisoner or prisoners had, who shall file the same in his office.

Shall state condition of prisoner. in receipt.

DISCIPLINE, ETC., OF CONVICTS.

Shall be in charge of the warden.

SECTION 34. All convicts in the prison shal the charge and custody of the warden, who shal ern and employ them in the manner prescribed the rules and regulations of the prison, and in co ity to the respective sentences under which the be committed.

Duties of officers and employes.

SECTION 35. All officers and persons emplo and about the prison shall perform such du charge and oversight of the prison, the care property belonging thereto, and the custody, ment, discipline and employment of the conv shall be required of them by the warden, in conf to law and the rules and regulations of the priso

How treated in solitary confinement.

SECTION 36. Every convict against whom th ishment of solitary imprisonment shall be awar sentence of court, or for violation of any rul regulations of the prison, shall be confined in the solitary cells, and during such confinemen be fed on bread and water only, unless a phy called upon to ascertain the fact, shall certify warden that the health of such convict require diet.

Regulations in treatment of convicts.

SECTION 37. All convicts sentenced to the p ment of hard labor in said prison, shall be con employed for the benefit of the state. No con cation shall be allowed between them and any without the prison, except under supervision, scribed in the rules and regulations of the prison. shall be confined in separate cells in the nigh and in the day time, all intercourse between them as far as practicable, be prevented. All comm tion between male and female convicts shall vented.

Punishment for disregard of regulations.

SECTION 38. If any officer or person emplo the state prison shall suffer any convict under se of solitary confinement, to be at large or out cell assigned him, or shall suffer any convict conf said prison to be at large, except in accordance w provisions of this act, or allow said convicts visited, conversed with or in any manner reliev comforted contrary to the regulations of the pri shall be punished by fine not exceeding five hu dollars.

Daily sustenance.

SECTION 39. The daily sustenance of convic in solitary confinement, nor in the hospital, sh sist of wholesome, coarse food, with such propor

meat and vegetables, as the warden shall deem best for the health of the convict.

SECTION 40. No spirituous liquors or any articles of indulgence shall be allowed any convict, except by order of the physician, which order shall be in writing, and for a definite period, not exceeding one month: *provided, also*, that the warden may, in his discretion, make a moderate allowance of tea or tobacco to convicts as a reward for industry and good behavior. Spirituous liquors prohibited.

SECTION 41. The clothing and bedding of convicts shall be of such quality and quantity as the judgment of the warden may direct, consulting the health and comfort of the convicts and the interests of the state. Quality of clothing, etc.

SECTION 42. All necessary means shall be used, under the direction of the warden, to maintain order in the prison, enforce obedience, suppress insurrections, and effectually prevent escapes, even at the hazard of life; for which purpose he may at all times command the aid of all the officers of the institution and of the citizens outside the precincts of the prison; and any citizen refusing to obey such command shall be held liable to such fines, penalties and forfeitures as apply to persons refusing to obey a sheriff, or other officer calling upon the aid of the county to assist in serving a process for quelling insurrection. How maintain order and enforce obedience.

SECTION 43. The warden and all prison officers shall uniformly treat convicts with kindness, and the warden shall require of the officers that in the execution of their respective duties they shall, in all cases, refrain from boisterous and unbecoming language in giving their orders and commands. There shall be no corporal or other painful and unusual punishment inflicted upon convicts for violation of prison rules. How treat convicts.

SECTION 44. The money and effects, except the clothes, in possession of each convict when committed to the state prison, shall be preserved by the warden and restored to said convict when discharged, unless otherwise ordered by the judge of the circuit court of Dodge county. Money and effects to be preserved.

SECTION 45. Every convict, when discharged, shall be provided with a decent suit of clothes, and a sum of money not to exceed five dollars; and may also be allowed employment in the prison, under the rules established for the government of convicts, for such period of time, and at such rate of compensation as the warden shall deem proper and equitable. Clothing and money to be provided, on discharge.

SECTION 46. It shall be the duty of the warden in case of the death of any convict, to cause the body to be decently buried, or to deliver it to the relatives or In case of death, how dispose of body.

friends of such convict, if demanded by them twenty-four hours.

May employ convicts outside of prison yard.

SECTION 47. If the warden of the prison a any time deem it for the interest of the state, l employ the convicts outside the prison yard in c ing or getting stone, and cultivating the prison or in doing any work necessary to be done in th ecution of the regular business of the institutio in all such cases, the warden shall detail such for the prison police as he shall deem necessary to and guard them, and in case any convict employ side the prison yard shall escape, he shall be c as having escaped from the prison proper, and s subject to such penalties as are provided in secti of this act.

RECORD OF CONDUCT.

Shall keep record of the conduct of convicts.

SECTION 48. It shall be the duty of the warden to keep a true record of the conduct c convict, specifying each infraction of the rules cipline. At the end of each month, the said shall give a certificate of good conduct to each who shall require it, against whom is recorded no tion of the rules of discipline; and upon each su tificate, the warden may, at his discretion, dimi term of any convict sentenced for a specific ti more than five days; all such certificates shall on file in the prison office, subject at any tim annulled by the warden for subsequent miscond the convict.

When may suspend solitary confinement.

SECTION 49. Any convict sentenced to per terms of solitary confinement, who shall obtai the deputy warden a certificate that such conv suffered at least one term of solitary confineme that ever after such term, the conduct of such has been good for peaceful obedience, industry tegrity; on receipt of such certificate, the board rectors shall have power, at their discretion, to s the further solitary confinement of such convict good behavior.

ESCAPES, ETC.

Punishment for escape, assault, etc.

SECTION 50. If any convict, committed to th prison under sentence for a limited time, shall therefrom, or shall attempt by violence to esc shall assault the warden or other officer or pers ployed in the government or custody of said pri shall be punished by imprisonment in said pris more than ten years, in addition to his former se and also by solitary confinement, not more th

year, to be executed forthwith, or at such time or times, either before or after the expiration of any former sentence, as the circuit court of Dodge county may direct.

Punishment when imprisoned for life.

SECTION 51. If any convict in the state prison, under sentence of imprisonment for life shall escape therefrom, or shall attempt by violence to escape, or shall commit any such assault as is mentioned in the preceding section, he shall be punished by solitary imprisonment not more than one year, to be executed at such time or times as the circuit court of Dodge county shall direct.

Punishment of officers for allowing escape.

SECTION 52. If any officer or other person employed in the state prison shall voluntarily suffer any convict confined therein to escape, or shall in any way consent to such escape, he shall be punished by imprisonment in the state prison not more than twenty years.

Punishment for conveying instruments, etc to convicts to aid escape.

SECTION 53. Every person who shall convey into the state prison any disguise, instrument, tool, weapon or thing adapted or useful to aid any convict in making his escape therefrom, with the intent to facilitate the escape of any convict there lawfully committed or detained, or who shall by any means aid any convict in his endeavors to escape, whether such escape be effected or not; and every person who shall forcibly or fraudulently rescue or attempt to rescue any convict, held in custody by an officer or other person, under sentence of imprisonment in the state prison, or shall refuse to assist in securing any convict when attempting to escape from an officer or from prison, shall be punished by imprisonment in said prison not more than ten years, or by fine not exceeding five hundred dollars.

For conveying any articles to or from the convicts.

SECTION 54. If any officer or other person shall deliver or procure to be delivered, or shall have in possession with intent to deliver to any convict confined in the state prison, or shall deposit or conceal the same in or about said prison or the dependencies thereof, or in any carriage or other vehicle going into the premises belonging to said prison, any articles or thing whatever, with intent that any convict confined in said prison could obtain or receive the same; or if any officer or other person shall receive from any convict any article or thing whatever, with the intent to convey the same out of said prison, contrary to the rules and regulations of said prison, and without the knowledge and permission of the warden or deputy warden, every such person shall be punished by imprisonment in the state prison, or in the county jail,

not more than two years, or by a fine no
five hundred dollars.

Measures for recapture.

SECTION 55. The warden may adopt su
as he may deem proper to aid in detecting
ing escaped convicts.

UNITED STATES CONVICTS.

Shall receive persons convicted in United States courts.

SECTION 56. The warden shall recei
state prison all persons convicted before
the United States, held within the state of
and sentenced by such court to the punish
prisonment at hard labor in said prison, a
safely keep and employ such convicts purs
sentence, under the rules and regulations o
until such sentence shall be performed, or t
victs shall be otherwise discharged by du
law of the United States.

Shall make semi-annual statement.

SECTION 57. It shall be the duty of
once every six months, to make out and
settlement to the proper auditing officer of
States for this state, a certified account of
which shall then be due and unsettled, f
port and maintenance of United States con
state prison of this state.

Shall file copy of account of United States convicts.

SECTION 58. Whenever the amount
maintenance of United States convicts shall
and allowed, as provided in the preceding
this act, it shall be the duty of the wa
with the secretary of state a copy of su
with the amount allowed thereon. The
state shall thereupon draw his warrant up
treasurer for the amount so allowed, pay
warden out of the state treasury, when the
be received from the United States.

Shall include number in annual report.

SECTION 59. It shall be the duty of t
when making his annual report, to include
number of United States convicts in the p
date of such report, the whole number the
the preceding year, the number received an
ber discharged during the same time, the
ceived from the general government for th
and maintenance, and also the amount tha
be due and unaudited for like purpose.

MISCELLANEOUS PROVISIONS.

Conviction and sentence shall vacate office.

SECTION 60. Whenever any convict, se
any court of this state or of the United St
punished by imprisonment in the state pris

the time of conviction and sentence, hold any office under the constitution and laws of this state, such office shall be deemed vacated from the time of his commitment to said prison; but if the judgment against said convict shall be reversed on a writ of error, he shall be restored to office with all its rights and emoluments; but if pardoned, he shall not, by reason thereof, be restored to office.

Shall receive stationery.

SECTION 61. It shall be lawful for the warden of the state prison to receive from the superintendent of public property, all necessary stationery for the use of his office; and said superintendent of public property is hereby authorized and directed to give out all such stationery as may be necessary for said office, upon the order of the warden or deputy warden.

May purchase books.

SECTION 62. The warden shall purchase such books and stationery for educational purposes within the prison, as may by him be deemed necessary.

Officers and employes to take oath.

SECTION 63. Each officer, overseer or keeper, employed in or about the prison, shall take an oath, before some officer authorized to administer oaths, to discharge the duties respectively required by law and the regulations of the prison, faithfully and to the best of his ability.

Office of commissioner abolished.

SECTION 64. On and after the first Monday of January, A. D. 1874, the office of state prison commissioner, as now known shall be abolished.

SECTION 65. This act shall be of force and take effect from and after the first Monday in January, A. D. 1874.

SECTION 66. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 17, 1873.

CHAPTER 194.

[*Published March* 25, 1873.]

AN ACT to amend chapter seventy-two of the private and local laws of 1858, entitled an act to incorporate the city of Ripon, and the acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Police justice.

SECTION 1. That one of the justices of the peace now authorized by law in the city of Ripon shall be designated as police justice.

Powers and jurisdiction of the police justice.

SECTION 2. The police justice shall hav
sess the jurisdiction, and all the authority,
rights of a justice of the peace in civil and
tions and proceedings, and shall have sole
sive jurisdiction to hear complaints, and
examinations and trials in criminal cases ar
the county of Fond du Lac, which shall b
had, held or tried within the city of Ripon
have exclusive jurisdiction in all matters
before a justice of the peace, to which the
a party, and shall have the same powers an
in cases of contempt as a court of record
that nothing herein contained shall be deem
the judges of the circuit court or county c
municipal court of the city of Ripon, of the
as conservators of the peace, nor to affect i
ner the powers or jurisdiction of the circu
county court of the county of Fond du
municipal court of Ripon.

His compensation.

SECTION 3. The police justice shall be
receive for his services the same compensat
as is allowed by the law to justices of th
towns for similar services.

May appoint justice of the peace.

SECTION 4. The common council of
Ripon may appoint and authorize by warran
the mayor and clerk of said city, one of the
the peace within said city to perform th
police justice for the unexpired term for wh
tice was elected.

In case of absence, may appoint justice in his place.

SECTION 5. In case of the absence, sickn
inability of the said police justice to discha
ties of said office, the common council may
authorize by warrant, signed by the mayor
said city, any justice of the peace within s
perform the duties of police justice, and
so appointed shall for the time being pos
authority and powers and rights, and discha
duties of police justices during his absence,
other inability to discharge the same.

Shall designate one of the justices, police justice.

SECTION 6. At the next and every elect
tices of the peace, in and for the city of Ri
the justices of the peace then to be elected s
ignated as police justice by having written
or partly written and partly printed on the
words, "for police justice."

Appeals allowed.

SECTION 7. Appeals shall be allowed in
the circuit court, and taken in the same ma
peals from justices of the peace.

SECTION 8. The police justice shall quarterly report to the common council a list of all proceedings instituted before him in behalf of said city, and the disposition made thereof, and shall, at the same time, account and pay over to the treasurer the amount of all penalties and fines collected by him, which may by law accrue to said city; said city shall not be liable for or pay any costs in any action or proceeding for violation of any law of this state, but such costs shall be a county charge as heretofore. Shall make quarterly report.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 195.

[*Published March* 24, 1873.]

AN ACT to restore the right of suffrage to certain citizens of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter thirty of the general laws of 1866, entitled "an act to amend chapter seven of the revised statutes, entitled of general and special elections; of the manner of conductiong the same, and of the canvass;" and all acts amendatory thereof, are hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1873.

CHAPTER 196.

[*Published Ma*

AN ACT to amend chapter three hundred and vate and local laws for the year 1861, entitled the municipal court of the city and town of amendatory thereof.

The people of the state of Wisconsin, represe and assembly, do enact as follows:

Amended—powers and jurisdiction of the municipal court

SECTION 1. Chapter three hundred an private and local laws for the year 1861, e to create the municipal court of the city Ripon, and acts amendatory thereof, amended as follows: The municipal cou of Ripon shall exercise the same powers tion in all civil actions and proceedings, b and equity, as now exercised by the cir Fond du Lac county: *provided*, that the property or the amount of money in contro action in said municipal court, exclusive o not exceed fifty thousand dollars.

Force and effect of former judgments.

SECTION 2. All judgments of less a fifty thousand dollars heretofore render municipal court, and all proceedings had in all respects to be of the same force though the jurisdiction in the act creatin had been limited as hereinbefore provided

Salary of the judge.

of the judge of said municipal court a hundred and fifty dollars per annum, fro the expiration of the present term, to be city of Ripon, less the suit tax paid said ju ing to section twenty-six of said chapter th and two.

The terms of the said court.

SECTION 3. There shall be three gene said municipal court, for which petit jur drawn. Such terms shall hereafter comm lows: on the first Monday of May, the firs September, and the first Monday of Janu year. There shall also hereafter be held terms of said municipal court, to comm lows: on the first Monday of July, the firs November, and the first Monday of Ma year.

SECTION 4. All acts and provisions in the provisions of this act are hereby repeal

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1878.

CHAPTER 197.

[*Published March 26, 1878.*]

AN ACT to amend chapter fifty-nine of the private and local laws of 1868, entitled an act to incorporate the city of Fond du Lac, and to repeal chapter one hundred and twenty-four, private and local laws of 1867, entitled an act to consolidate and amend the act to incorporate the city of Fond du Lac and the several acts amendatory thereof, and to amend an act entitled an act to consolidate the several school districts in the city of Fond du Lac, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section five of chapter six of said chapter fifty-nine of the private and local laws of 1868, is hereby amended by adding thereto the following: Amended.

VII. The mayor and common council of the city of Fond du Lac are hereby authorized and empowered to regulate the sale of any goods, wares, merchandise or property, at auction in said city of Fond du Lac, and shall prohibit the sale thereof at auction within the limits of said city by any person, without having obtained a license therefor; and shall also require the auctioneer so licensed to sell, to make reports verified by him, in manner and form, and at such time or times, or upon the demand of any officer or employe of said city as shall be designated and provided by the mayor and common council of said city, and shall require such auctioneer so licensed to pay for such license, the fee hereinafter prescribed, and also the percentage on all gross sales by him made as hereinafter prescribed, viz: for each license to any inhabitant and resident of said city, a fee of one hundred dollars for the year; for a license to any non-resident of said city, a fee of one hundred and fifty dollars per year, and shall exact and require such auctioneer to pay on the amount of all sales by him made, a sum not exceeding two per centum, except as hereinafter otherwise provided; upon all sales made by non resident auctioneers of the following class or described articles, May regulate sale of goods. Amount of license to residents. To non-residents.

Articles to be licensed enumerated.

goods, wares, merchandise and property, vi
wearing apparel, hats, caps, mittens, gl
groceries, dry goods, millinery goods, boots,
medicines, paints, oils, iron, tin, steel, sheet
hardware of every kind, and including all g
merchandise and other property sold or k
in clothing stores, hat and cap and fur
stores, paint and oil stores, grocery stores
stores, millinery stores or shops, boot and
iron, stove, tin or hardware stores or shops,
and charge upon the gross sales a sum no
ten per centum on a dollar; upon the gros
upon the same articles, goods, wares and
sold by a licensed resident auctioneer, and
the *bona fide* property of such licensed re
tioneer, or a *bona fide* inhabitant and resident
shall be exacted and charged a sum not e
per centum upon the gross amount of sale
any property belonging to a non resident
be sold or transferred to any resident auct
any inhabitant and resident of said city, for
of in any way avoiding or evading the p
any such ordinance, law or order, or in wh
non resident shall retain any interest, shall
pay such ten per centum on a dollar on all
and may require such licensed auctione
bond to said city in such penal sum as the
common council may fix, with a surety
prescribing the qualifications thereof, and
same to justify, and conditioned for the fai
ance with the provisions made by such
other rule or law made by said mayor and c
cil, with such other conditions as may be d
sary for the faithful performance of the
license shall be issued for a longer time th
and the mayor and common council may
no license shall be issued for less tha
When the term, resident, or the term, inh
dent is used herein, it shall be and mean
any person who is and has been for three
mediately preceding, an actual *bona fide* in
resident of said city; the term, non reside
and include any person who has not been a
fide inhabitant or resident of said city for t
or immediately preceding the issuing of any
or the sale of any goods, wares or merchan
erty at auction. The term, licensed resid
eer, or resident auctioneer, shall mean and

Amount exacted for gross sales.

License to be only for one year.

Terms defined.

son licensed who has been an actual *bona fide* inhab-
nt and resident of said city for three months imme-
tely preceding the granting of his license. The
n, non-resident auctioneer shall mean and include
person to whom a license is granted who has not
n an actual *bona fide* inhabitant and resident of said
for three months immediately preceding the issu-
or granting to him of a license, and may provide
t in any license issued, that it may be designated
ether the person is a resident or non-resident auc-
eer, and that the person accepting the same shall
ound and estopped by such license, and shall have
the rights and privileges of the class of auc-
eers, herein named or designated: *provided, however,* nothing in this act shall prohibit or affect, in any ner, sales at auction in the cases specified by sec- one of chapter fifty-four of the revised statutes, tled "of auctions and auctioneers;" all license fees, centum on sales, to be paid to city treasurer for the efit of the city.

Not to affect sales authorized by revised statutes.

SECTION 2. All acts or parts of acts conflicting or fering with any of the provisions of this act are by repealed so far as they affect the city of Fond ac, and no further; and shall, in all other respects, as to other localities, remain in full force and t.

SECTION 3. This act shall take effect and be in force and after its passage and publication.

Approved March 17, 1873.

CHAPTER 198.

[*Published March 26, 1873.*]

ACT to provide for the collection of the taxes therein named in certain cases.

The people of the state of Wisconsin, represented in senate d assembly, do enact as follows:

SECTION 1. If from any cause whatever, the proper rs of any town, city or village in this state, shall nable to collect the usual regular, annual, state, y, school, ward, and town taxes, by the first day of nary of the year next after that for which said taxes levied, upon being informed thereof by the peti-

How collection of taxes may be enforced.

tion of not less than ten of the tax p
town, city or village, it shall be lawful, a
nor of this state is hereby authorized ar
issue his order or command to the clerk o
treasurer or treasurers of said towns, vill
commanding said clerk or clerks, forthwi
and make out a new tax roll for said
named, and for no other, and said treas
urers to collect the same.

Clerk shall make out new tax roll.

SECTION 2. Upon the receipt of such o
mand, the said clerk shall proceed to mak
tax roll for said above named taxes, with
nexed, the said roll and warrant to be m
spects in the same manner as other tax ro
the receipt of the county treasurer's receipt
city or village treasurer's and [bond] to d
er] the same to the town treasurer, who sh
ceed to execute said warrant in the same
respects as is provided by law for the colle
taxes.

Upon issuing new roll, original roll to be void.

SECTION 3. Upon the issuing of the s
tioned tax roll, the similar taxes in the
shall be null and void, and the said tax
last issued tax roll shall be of full force in
all laws in relation to the levy and collect
so far as they will make said taxes legal
shall apply thereto.

Punishment for neglect of duty.

SECTION 4. Any clerk or treasurer w
ceive said order or command, and neglect
promptly and faithfully comply therewi
provided, shall be deemed guilty of a misde
upon conviction thereof, shall be punishe
imprisonment or both in the discretion of

SECTION 5. This act shall take effect an
from and after its passage and publication

Approved March 17, 1873.]

CHAPTER 199.

[*Published March* 29, 1873.]

AN ACT to reimburse Nelson Boutin, sheriff of Bayfield county, for expenses paid and incurred by him in suppressing a riot and keeping the peace in Ashland county, attached to Bayfield county for judicial purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Nelson Boutin, sheriff of Bayfield county, out of any money in the treasury not otherwise appropriated, the sum of fifteen hundred and twenty-seven dollars, for the purpose of reimbursing the said Boutin for expenses paid and incurred by him in suppressing a riot and keeping the peace in Ashland county in January, A. D. 1873. Appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1873.

CHAPTER 200.

[*Published March* 25, 1873.]

AN ACT to amend section fifty-one of chapter thirteen of the revised statutes, entitled "of counties and county officers," and acts amendatory thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section fifty-one of chapter thirteen of the revised statutes, entitled "of counties and county officers," as amended by chapter one hundred and sixty-three of the general laws of 1871, entitled "an act authorizing the publication of the lists of lots and lands on which taxes for the year 1870 are unpaid, in certain counties, in a newspaper printed in the German language," is hereby amended by inserting after the words, "any other than the English language," where they last occur, and before the word, "provided," the words, "to be designated by such county board of su- Amended.

When may publish tax notice in newspapers printed in foreign language.

pervisors," so that said section shall, whe
read as follows: Section 51. In all case
board of supervisors of any county in this
deem it necessary for the better informatio
habitants thereof, and when it appears fr
previous census that one-fourth or more o
population therein are of a nationality not s
English language, and in which there shall
a newspaper published for one year or more
guage spoken by such nationality, they ma
lic notice relating to tax sales or other aff
county, to be published in one newspaper p
any other than the English language, to be
by such county board of supervisors: *provi*
such notices shall be published in a news
lished in the English language, as heretofo
by law.

SECTION 2. All acts or parts of acts con
the provisions of this act are hereby repeal

SECTION 3. This act shall take effect and
from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 201.

[*Published Ap*

AN ACT to amend chapter three hundred and fo
private and local laws of 1867, entitled an act to
use of moneys arising from the sale of certa
overflowed lands in the counties of Manitowoc
for drainage and other purposes, and to amend
hundred and thirty-seven of the laws of 1865 re

The people of the state of Wisconsin, represen
and assembly, do enact as follows:

Amended.

SECTION 1. Section two of chapter th
and forty-one of the private and local la
entitled "an act to authorize the use of mo
from the sale of certain swamp and overf
in the counties of Manitowoc and Calume
age and other purposes, and to amend
hundred and thirty-seven of the laws of 18
thereto," is hereby amended to read as follo

Swamp land commissioners—their powers.

2. A. Watrous, O. R. Potter and Theodo
of Calumet county, and Adolph Piening, D

ılhaber and William Carey, of Manitowoc
re hereby appointed commissioners, to be
the board of Manitowoc and Calumet county
nd commissioners, and as such commissioners
hereby authorized and empowered to act for
half of said counties in execution of the trust
ct created, and by this said name shall be ca-
law of taking, holding, leasing and contract-
elling and conveying the lands, or any portion
escribed in the first section of this act, and
ting the moneys arising from the sale thereof,
the same may be necessary for the purposes
d in this act, and no further, and in that name
tract and be contracted with, sue and be sued,
e a common seal and alter and renew the same
re, and may have and exercise all the powers,
ivileges and immunities which are or may be
to carry into effect the purpose and objects
t, as the same are herein set forth.

ON 2. Section seven of said act is hereby so as to read as follows: Section 7. The said ay contract for the sale of any portion of said such prices as they shall be reasonably worth, ss than one dollar per acre. They shall issue to be issued to the purchaser of any tract of ontracted to be sold, a certificate, signed by dent and clerk of said board, certifying that described in said certificate have been con- or by the person or persons therein named, for of money stated in such certificate, and on tion of such certificate at the office of the com- rs of the school and university lands and the of the sum of money therein stated, the person ns so purchasing or buying such lands shall be to a patent to be issued as provided by law: *however*, that no patent shall be issued on a e which is not presented within thirty days date of its issue, but the lands contracted for ert to said board, and said certificate not pre- ithin the time above specified shall be null .

Amended—may sell lands and give certificates.

Purchaser entitled to patent.

ON 3. It shall be the duty of said board to nnually, on the first day of April, to the com- rs of school and university lands:

A list of lands contracted to be sold and for rtificates shall have been issued, together with for which each tract or parcel of land shall n contracted for.

Duties of the commissioners.

Shall report list of lands.

Statements of moneys received.

2d. A statement of all moneys receiv
source from which received.

Of moneys disbursed.

3d. A statemant of all moneys disburs
paid, and for what purpose expended.

Description of land.

4th. A description of such tracts and
land as remain unsold.

Improvements.

5th. The progress of the improvements c
by this act.

Shall send copy of report to school land commissioners, and to county clerks.

SECTION 4. One copy of the report rec
made by section three of this act, duly ver
affidavits of the president, secretary and
said board, shall be sent to the commission
and university lands, one copy to the cou
each of the counties of Manitowoc an
and said report shall be published once in
newspapers printed in the counties of Ma
Calumet, and such publication shall be pa
the treasury of said board at the rate p
law for legal publications.

Former contracts to be valid.

SECTION 5. All contracts for the sale c
described in section one of said chapter th
and forty-one of the private and local la
entered into before the passage of this act, s
if presented within sixty days after the
publication of this act, but shall be null
not presented within the time above specif

Not to revive forfeited contracts.

SECTION 6. Persons forfeiting their c
any tract or parcel of lands shall not b
enter into contract for the same tract or
and no person shall have the privilege,
any such contract made or certificate hel
enter such lands or cut timber standing th
patent shall have been issued.

Counties not to be liable for the debts of the board.

SECTION 7. Neither of the said countie
woc and Calument, nor the said board of co
shall be liable for any debt created by sa
for any sum due or to become due on an
contracts, out of any fund, except the
under and in pursuance of this act, and th
ter three hundred and forty-one of the priv
laws of 1867, to which this is amendatory.

Secretary of board to notify contractors of passage of this act.

SECTION 8. It shall be the duty of the
said board to notify all persons having
contract with such board, for the purchase
of the passage of this act, and that they m
patents within the time prescribed by se
this act, by publishing as soon as practica
relating thereto in all the newspapers publ
said counties of Manitowoc and Calumet.

SECTION 9. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 10. This act shall be deemed a public act, shall be published immediately after its passage, and shall be in force from and after its publication.

Approved March 17, 1873.

CHAPTER 202.

[*Published March* 27, 1873.]

AN ACT for the better oroanization of the militia of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the commander-chief of the Wisconsin state militia to cause an inspection of each organized militia company by his adjutant general, one of the aids-de-camp or an inspecting officer for that purpose appointed, at least once in every year. Such inspection shall be held in the same manner and form as prescribed for troops in the service of the United States, and reports of inspection shall be made in due form to the commander-in-chief.

Shall make annual inspection of militia companies.

SECTION 2. The adjutant general shall, at least ten days before such inspection, inform the commanding officer of such company or battery of the time and place, where such inspection shall take place.

Shall inform officers of time of inspection.

SECTION 3. Each company or battery which, on inspection, shall prove to be properly organized as provided by law, and which shall have made all returns which, under the laws of this state, they are required to make, shall receive out of the general fund of the state, on warrants issued by the secretary of state, the sum of one hundred dollars per annum, which shall be in full compensation for rent of armory, pay of armorer and keeping in repair the ordnance and ordnance stores, furnished such company or battery, and no allowance shall be made hereafter for said purpose by the county board of supervisors of any county, except for rent and pay due and unpaid before the passage of this act.

Amount allowed to each company annually.

Companies not properly organized, to be dissolved.

SECTION 4. All companies and batteries not p organized or conducted, or which shall not ma file with the adjutant general the returns requi law, shall be dissolved by order of the comma chief, and the property of the state in posses such company or battery or the commanding thereof, shall be returned to the state: *provid ever*, that the commander-in-chief may grant t company or battery such time to complete their ization, or to furnish the returns required, as opinion may best serve the interest of the state militia organization thereof.

No pay to inspecting officer except mileage.

SECTION 5. The inspecting officer shall rec pay for his services, but may be allowed mileag rate of ten cents for every mile actually t which mileage shall be audited by the secre state, and paid from the general fund.

Appropriated.

SECTION 6. There is hereby appropriated f general fund of the state a sum sufficient to expenses created by the provisions of this act.

SECTION 7. All acts and parts of acts co with the provisions of this act are hereby repea

SECTION 8. This act shall take effect from a its passage.

Approved March 17, 1873.

CHAPTER 203.

AN ACT to provide for the improvement of the west Wolf river and Red river, in Shawano county.

The people of the state of Wisconsin, represented and assembly, do enact as follows:

Shall be entitled to receive tolls.

SECTION 1. For the purpose of improving t branch of Wolf river and Red river, in Shawan ty, so as to facilitate and insure the driving a ing of logs and timber down and out of said str is hereby provided and enacted: That any pe sociation, company or corporation, their succe assigns, who shall have improved said streams b ing or straightening their channels, closing erecting side, rolling and flooding dams, and shall repair and operate the same so as to render the and driving of logs and timber down and out streams practicable and reasonably certain, shall

tled to receive and collect for such service and expen-
ıture the following tolls, to-wit: For and upon all logs
nd timber floated down and out of the west branch of
Volf river, twelve and a half cents per thousand feet, and
n all logs and timber floated down and out of said Red
ver, twenty cents per thousand feet, board measure:
ovided, that such person, association, company or cor-
ration having undertaken the improvement of said
eams, for the purposes herein stated, shall not be en-
led to receive tolls as hereinbefore provided, until at
st five thousand, five hundred dollars shall have been
pended on said improvements by said party or
ties.

SECTION 2. It shall be lawful for any person or per- May take possession of logs.
s, association, company or corporation, their succes-
or assigns, having improved said streams as pro-
ed in section one of this act, to take possession of
ogs and timber put into said streams, to be floated
n and out of the same, the owner or agents of which
l not have made adequate provisions for driving,
urnishing all necessary tools, men, teams and pro-
ons, for breaking roll-ways at the proper time, and
ing a thorough drive of said logs out of said streams
out hindering the main drives, and to drive the
e down and out of said streams into the Wolf river;
for such expenses of breaking roll-ways and driving
or all of such logs, shall charge and receive for the
e, the actual cost incurred thereon, to be paid in
al proportions on either or both of said streams.

ECTION 3. For any tolls or charges as herein pro- Shall have lien for tolls.
ed, which shall remain due and unpaid, the party
arties to whom such tolls shall be owing, shall
e a lien on all logs upon which such tolls or charges
any part thereof shall remain unpaid, and on all
er logs on said streams, owned by the party from
om such tolls or charges are due, and may enforce
same in the same manner as other liens for labor
supplies are enforced by law.

ECTION 4. This act shall take effect and be in
e from and after its passage.

Approved March 17, 1873.

CHAPTER 204.

[*Published Mar*

AN ACT in relation to the swamp lands in the to
Dane county, Wisconsin.

The people of the state of Wisconsin, represe
and assembly, do enact as follows:

How drainage fund may be expended.

SECTION 1. The provisions of section
of chapter five hundred and thirty-seven o
laws of 1865, for the purposes of this act,
ded, so far as the same relates to the swa
town of Burke, Dane county, Wisconsin,
pervisors of said town are hereby authoriz
the drainage fund now in the treasury of s
which may hereafter be received, for the p
claiming any swamp lands in said town,
same are within the definition of the te
lands," as used in said section twenty-one
SECTION 2. This act shall take effec
force from and after its passage and public
Approved March 17, 1873.

CHAPTER 205.

[*Published Ma*

AN ACT relating to statistics of property exem
tion.

The people of the state of Wisconsin, represe
and assembly, do enact as follows:

Assessors to report statistics of exempt property.

SECTION 1. It is hereby made the du
sessors throughout the state, when making
assessment roll, as now provided by law,
books or on blanks, to be procured and
them as hereinafter stated, in regular order,
of the owner, if known, from the best infor
can obtain, a correct and pertinent descri
real and personal property, excepting such
exempted from taxation by subdivisions
nine, ten, eleven and twelve of section two
one hundred and thirty of the general laws

eir respective towns or wards not liable to taxation, d omitted from the assessment roll, together with a atement of its value, for what purpose used, and the ason why exempt, if ascertainable, conforming, as ar as practicable, to all provisions of the law now isting relating to the assessment of property. When atering on such lists the right of way or track of any ilroad or plankroad company, it shall be sufficient to ate its length in miles, without any further details.

SECTION 2. The lists so prepared shall be correct, revised and returned at the same time and substanlly in the same manner as provided by law for the rection, review and return of assessment rolls genlly, and, when completed, shall be delivered to and osited with the county clerk, who, on or before the t day of October next, shall make out and transmit he secretary of state a duplicate thereof.

Shall return lists to county clerk—he to secretary of state.

SECTION 3. The secretary of state shall compile in able form, the information so by him received, and ude a condensed statement thereof in his next anl report.

Secretary of state to compile lists.

SECTION 4. It is hereby made the duty of the secry of state to procure and cause to be distributed, r before the first day of May next, suitable books lanks for said purpose.

To furnish blanks.

SECTION 5. This act shall take effect from and its passage and publication.

Approved March 17, 1873.

CHAPTER 206.

ACT to amend chapter two hundred and sixty-two of the ivate and local laws of 1865, entitled "an act to authorize B. Sheldon and Wm. Howe to keep and maintain a ferry ross the Mississippi river, near Red Wing, Minnesota."

people of the state of Wisconsin, represented in senate sembly, do enact as follows:

SECTION 1. That section one of chapter two hunl and sixty-two of the private and local laws of 5, is hereby amended so as to read as follows: Sec. 1. T. B. Sheldon and Wm. Howe, their heirs, excutors, administrators and assigns, shall have the lusive right and privilege, for the term of ten years n the passage of this amendatory act, of keeping

Amended—exclusive right to build and maintain ferry.

Location of ferry.

and maintaining a ferry across the Missis
from the city of Red Wing in said state of
across both channels of said river to any po
east bank of the east channel of said river,
miles up and down said east bank, from where
and south section line, between sections two
in township number twenty-four (24), rang
eighteen (18), in said Pierce county, or its p
strikes said east channel.

Amended—may land boats and passengers at the termini of the ferry.

SECTION 2. That section three of said ch
hundred and sixty-two, be also amended
Section 3. The said corporation may land
passengers and property on any public high
now does, or may hereafter terminate within
above specified, or on the lands of any per
sons, they having first procured the permis
owners of such lands so to do; and if such
or consent cannot be obtained by amicable
between such corporation and the owners o
necessary to be used for landing and rig
upon either bank of said channels within
Wisconsin, such corporation shall be auth
empowered to apply to the judge of the ci
of said Pierce county, in term time or vacat
appointment of three commissioners, resi
freeholders of said Pierce county, to be se
appointed by such judge, to appraise and
value of the easement for right of landing
required by or necessary for such ferry pu
upon such application being made, such j
thereupon require such corporation to gi
eight days' personal notice of the time an
hearing such application, to each land o
whose land such easement is sought, and to
interested in such land, if known; but if
that any person or persons, interested in sai
unknown, or cannot be served with perso
that as to such persons notice upon them shal
by publication in such manner and mode an
time as the said judge shall order and requ
upon such hearing, the judge shall appoint
commissioners, who shall personally view th
sought to be taken, and if they deem best,
in the premises, and thereupon without delay
and award the value of said right of landin
required by said corporation, and report t
and award to said judge for approval, giving
sons personally served, notice when they wi
award with said judge, and if the same is

May apply for commission to appraise land.

Judge to appoint commissioners, who shall report.

pon the payment of the amount so awarded to erk of said circuit court, to be by him paid to oper parties entitled to the same, said corpora- hall become entitled to the possession of said o proposed to be taken, and may have, hold and e same for the purposes of such ferry and as for the convenience of the traveling public. pon such report and proof of payment of the t so awarded to said clerk, the said judge of said court for said Pierce county, shall enter such ent or decrees as shall fully protect the rights of rties interested: *provided, however*, that if either shall feel aggrieved, an appeal may be taken uch award of the commissioners within ten days he filing of the same, and the same shall be ap- , tried and determined in the same manner as s may be, as appeals from justices of the peace d and determined in said circuit court, and upon rial and determination, judgment or decree shall ered by said court as aforesaid: *provided further*, said corporation shall give a bond in such sum anner as said judge shall direct and approve, to the final judgment and decree of the court in emises, the said corporation shall be authorized er upon, hold and use the land so to be taken by same as if such compensation awarded had been nd no such appeal taken until such final judg- is rendered; and then upon the payment of the nt of such final judgment, the court shall at once a decree to confer upon such corporation the land asement sought by such corporation.

May enter judgment on report.

Parties may appeal.

Company may give bond, and enter upon premises at once.

TION 3. That said T. B. Sheldon and William , their associates or assigns, shall, within one year he passage of this act, file or cause to be filed he clerk of the board of supervisors of the county rce, a bond to the said board, with two or more es, in the penal sum of one thousand dollars, con- ed that they will fulfill all the duties imposed them by this act, and the act to which this is datory, and in case of their failure so to do, they forfeit all the benefits that might accrue to from its passage.

Shall execute bond to board of supervisors.

TION 4. This act shall take effect and be in force and after its passage and publication.

pproved March 17, 1873.

CHAPTER 207.

AN ACT to repeal section five of chapter seven
vate and local laws of 1869, [entitled an act to
Embarrass River Improvement Company.]

The people of the state of Wisconsin, repres
and assembly, do enact as follows:

Repealed.

SECTION 1. Section five of chapte
of the private and local laws of 1869 is he
SECTION 2. This act shall take eff
force from and after its passage and publ
Approved March 17, 1873.

CHAPTER 208.

AN ACT to repeal chapter twenty-three of the
laws of 1870, entitled "an act to incorporat
and Manitowoc Plankroad Company."

The people of the state of Wisconsin, repres
and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter twenty-three of t
local laws of 1870, entitled an act to i
Green Bay and Manitowoc Plankroad
hereby repealed.
SECTION 2. This act shall take eff
force from and after its passage and pub
Approved March 17, 1873.

CHAPTER 209.

[*Published March 29, 1873.*]

ACT to repeal chapter four hundred and thirty of the private d local laws of 1870, entitled "an act to authorize the town Ahnepee, in the county of Kewaunee, to issue the bonds of d town to aid in the construction of a harbor at the mouth Ahnepee river."

people of the state of Wisconsin, represented in senate d assembly, do enact as follows:

CTION 1. Chapter four hundred and thirty of the te and local laws of 1870, entitled "an act to author- e town of Ahnepee, in the county of Kewaunee, ue the bonds of said town to aid in the construc- of a harbor at the mouth of Ahnepee river," is y repealed. Repealed.

TION 2. This act shall take effect and be in force and after its passage and publication.

proved March 17, 1873.

CHAPTER 210.

[*Published March 25, 1873.*]

CT to provide for the collection of certain statistics with a view of more fully equalizing the state taxes.

eople of the state of Wisconsin, represented in senate assembly, do enact as follows:

TION 1. It is hereby made the duty of all regis- f deeds in this state, on or before the first day of mber of each and every year, to make out and nit to the secretary of state, a short detailed state- in tabular form, of all sales of real estate made ecorded in their respective counties during the ling year, which returns shall show: Shall make out and transmit statement of sales of real estate.

Date of conveyance.

A short description of the land sold, and the ity thereof.

The consideration stated in the deed.

The assessed value of the property, as shown by ast assessment roll.

Secretary of state to compile same in his report.

SECTION 2. The returns and informatio shall be compiled by the secretary of state suitable form, for use of the state board and he may also, if by him deemed prop condensed statement thereof in his annual

Compensation of register.

SECTION 3. The registers of deeds, for returns, shall be entitled to a compensat cents per folio, to be paid by the state moneys not otherwise specially appropriat

Shall distribute blanks.

SECTION 4. The secretary of state is her to procure and cause to be distributed, in t ing such returns, suitable blanks for said

Duplicate to be filed with county clerk.

SECTION 5. A duplicate of said state turns shall be filed by the registers of de county clerk of their respective counties, the first day of October of each and eve which duplicate said registers shall be e ceive from the county the same compens vided for making returns to the secretary

Shall state actual consideration.

SECTION 6. It is hereby made the du ties executing a conveyance of real estate, express therein, as near as practicable, th true consideration of such sale and convey

SECTION 7. This act shall take effec force from and after its passage and pub

Approved March 17, 1873.

CHAPTER 211.

[*Published Ma*

AN ACT to encourage the artificial propagation duction into this state of the better kinds

The people of the state Wisconsin, represen and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appropr any money in the state treasury not othe priated, the sum of five hundred dollars, t ed under the direction of Professor Spen United States commissioner of fishes, in p artificial propagation and the introducti state of the better kinds of fish.

SECTION 2. This act shall take effect a from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 212.

[*Published March* 25, 1873.]

AN ACT to prevent the careless use of firearms.

ople of the state of Wisconsin, represented in senate assembly, do enact as follows:

TION 1. Any person who shall, intentionally, or aim any firearms at or towards any other person, all be guilty of a misdemeanor, and shall be t to a fine of not more than fifty dollars. Shall be fined.

TION 2. Any person who shall discharge any ns, while intentionally aimed at or toward any , shall be deemed guilty of a misdemeanor, and be liable to a fine of not more than than one ed dollars, or imprisonment in the county jail exceed one year, or both, at the discretion of urt. Shall be fined or imprisoned.

TION 3. Any person who shall maim or injure other person by the discharge of any firearm d or aimed intentionally at any such person, be deemed guilty of a misdemeanor, and shall be hed by a fine of not less than fifty dollars, or im- ment in the county jail for a period of not more wo years. Shall be fined or imprisoned.

TION 4. Any person maimed or wounded by scharge of any firearms as aforesaid, or the heirs resentatives of any person who may be killed by lischarge, may have an action against the party ing, to recover damages therefor. May recover damages.

TION 5. This act shall not apply to any case firearms shall be used in self-defense, or in the rge of official duty, or in case of justifiable de. Application of act.

TION 6. This act shall take effect and be in om and after its passage and publication.

roved March 17, 1873.

CHAPTER 213.

[*Published Ma*

AN ACT authorizing the construction of a leve consin river, in the counties of Columbia

The people of the state of Wisconsin, represe and assembly, do enact as follows:

May construct a levee upon the Wisconsin river.

SECTION 1. For the purpose of reclaim subject to overflow from the Wisconsin r of high water, and protecting the highwa flow, and enabling the proper authorities in a passable condition at all seasons, the the city of Portage and of the town of Columbia county, and of Fairfield, in acting jointly or separately, are hereby construct a levee along the southerly Wisconsin river from any point in the cit or the town of Caledonia, to such point into the town of Fairfield, and at such r tance from the banks of the river, as may and to maintain the same.

May appropriate and expend money, and levy tax to pay the same.

SECTION 2. For the purpose of defr penses of constructing such levee, the aut city and of the towns specified in section are hereby authorized to appropriate and sums of money, and to levy a tax for such money, and at such time and to suc as may be necessary; and the authorities Caledonia are hereby further authorized the land in said town, which will be imn efited by being protected from overflow struction of said levee, an additional tax defray one-third of the expense of the co struction, not exceeding the sum of fif dollars, which tax shall be placed in the t town in a separate column, and be colle counted for in the same manner as other

How apportionment of tax determined.

SECTION 3. For the purpose of det proper amount of tax each tract of land should bear, limited as specified in sec town board of supervisors of Caledonia what the cost of constructing such levee will be, or has been, and notify the town one third of such amount is, and said ass mediately proceed to assess against each

benefited, the proper proportion of such amount as
n tract, in his judgment, should bear.

ECTION 4. When the assessor shall have completed
assessment or apportionment of tax, herein pro-
ed for, he shall post notices in at least four of the
t public places in said town, giving at least ten
s' notice, that the chairman of the town board of
ervisors of said town, together with the assessor
town clerk, will meet at the court house in Colum-
county, on the day specified, as a board of review,
the purpose of hearing any person who thinks his
esment or apportionment too high; and if the
rd of review shall be satisfied that such assessment
oo high, they shall have power to reduce it to such
as they shall deem just, and to raise the assess-
t of other property to make up for the deficiency
sioned by the reduction. They shall have power
ear and examine any person or persons under oath
lation to the assessment of any property on said
and to correct any errors apparent in discription
operty, or otherwise. All statements made before
board, asking for a reduction of tax, shall be
ced to writing by the town clerk and be preserved
s office. When the board shall have completed
bors, the amount standing against each tract of
returned by the assessor, as corrected by the board,
be taken as the amount of tax which each tract
nd shall be subject to, and the said amount shall
rried into the tax roll by the clerk, as provided
section two of this act.

Assessor shall give notice of meeting of board of review

Board may reduce assessment, and examine witnesses.

Determination of the board to stand as the tax.

TION 5. The authorities of the city and towns
d in this act are hereby authorized to enter upon
ass over any inclosure or lands, together with all
l aid for estimating the cost of such levee, and
g, constructing and repairing the same.

May enter upon lands.

TION 6. The provisions of chapter one hundred
ty two of the general laws of 1865, as far as they
to awarding damages for laying out roads and
cording of them are, as far as practicable, made
of this act, for the purpose of laying out and
acting the levee herein authorized to be con-
d.

Provisions made a part of this act.

TION 7. This act shall take effect and be in
rom and after its passage and publication.

proved March 17, 1878.

CHAPTER 214.

[*Published Ma*

AN ACT to provide for the purchase of four hu
Webster's unabridged dictionary.

The people of the state of Wisconsin, represe and assembly, do enact as follows:

Shall purchase dictionaries.

SECTION 1. The state superintendent struction is hereby authorized and directed on behalf of the state, four hundred copie edition of Webster's unabridged dictiona delivered at his office, not to exceed eigh copy.

How to be distributed.

SECTION 2. The said dictionaries, wh shall be distributed in accordance with t of chapters sixteen and thirty-two of the of 1867.

Appropriated

SECTION 3. There is hereby appropr the income of the school fund, a sum suf for the dictionaries above provided for.

SECTION 4. This act shall take effect a from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 215.

[*Published Ma*

AN ACT to amend sections five and eight of ch dred and three of the general laws of 1872, e authorizing the formation of town insurance co

The people of the state of Wisconsin, represe and assembly, do enact as follows:

Amended—shall give undertaking for payment of losses.

SECTION 1. Section five of chapter and three of the general laws of 1872 is here so as to read as follows: Section 5. Eve insured shall give his undertaking, bearin with the policy so issued to him, binding heirs and assigns, to pay his *pro rata* share pany of all losses or damages by fire which may be sustained by any member every such undertaking shall, within five d

execution thereof, be filed in the office of the secretary of such company, and shall remain on file in such office except when required to be produced in court as evidence. He shall also, at the time of effecting such insurance, pay such per centage in cash, and such reasonable sum for a policy as may be required by the rules or by-laws of the company.

Amended—secretary of state to notify persons belonging to the company.

SECTION 2. Section eight of said chapter is hereby amended so as to read as follows: It shall be the duty of the secretary, whenever such assessment shall have been completed, to immediately notify every person composing such company, by letter sent to his usual post office address, of the amount of such loss, and the sum due from him as his share thereof, and of the time when and to whom such payment is to be made, but such time shall not be less than sixty nor more than ninety days from the date of such notice, and every person designated to receive such money may demand and receive two per cent. in addition to the amount due on such assessment as aforesaid, for his fees in receiving and paying over the same.

Amended—shall not insure property out of town—class of property to be insured.

SECTION 3. Section ten of said chapter is hereby amended so as read as follows: No company founded under this act shall insure any property out of the town or towns in which the said company is located, nor shall they insure any property other than detached dwellings and their contents, and farm buildings and their contents, and live stock while on the premises or running at large, and hay and grain in the bin or stack: *provided, however*, that if a majority of the directors of such company, deem it proper to insure country stores and their stock, school houses and churches, it shall be lawful for them to insure the same, not to exceed fifteen hundred dollars in any one risk, but they shall not insure any property within the limits of any incorporated village or city in this state.

Amended—how and when directors to be chosen.

SECTION 4. Section eleven of said chapter is hereby amended so as to read as follows: The directors of each company so formed shall be chosen by ballot, at the annual meeting thereof, which shall be held on the first Tuesday of January in each year, unless otherwise determined by a majority of the voters in such company, and every person shall have one vote for each two hundred dollars for which he may be insured, but no person shall be allowed to vote by proxy at such election.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1872.

CHAPTER 216.

[*Published Marc*

AN ACT to levy a special tax in the third ward Milwaukee, and for the improvements of certain ward.

The people of the state of Wisconsin, represent and assembly, do enact as follows:

May levy and assess additional ward tax.

SECTION 1. The common council of Milwaukee are hereby authorized and requi assess and collect during the year 1873, and time and in the same manner as other cit levied, assessed and collected for said year, dition to the amount authorized by law to taxation for ward purposes in the third w city, a tax of half a mill on the dollar upo ble property, real and personal, liable to said ward for said year.

How tax to be applied.

SECTION 2. The said tax so to be raise used, applied and appropriated solely for of the improvement of the crossings in B said ward, from Buffalo street to Erie stree

May order street improvements.

SECTION 3. The common council of the waukee may, by resolution, order the st named to be graded to the established grade the Nicholson or Degollyer pavement, side and laid with plank or flags, gutters paved otherwise improved, without the interventi

What streets to be improved.

tion from property owners, viz: Detroi tween East Water street and Broadway, B between East Water street and Broadw street between East Water street and Br nomonee street between East Water street way, Erie street between East Water stree way, all of the above mentioned streets t third ward of the city of Milwaukee.

Board of public works to order improvements.

SECTION 4. The work mentioned in sec this act shall not be ordered by the comm aforesaid, except upon the written recomm the board of public works of the city of and of a majority of the local committee ward.

SECTION 5. This act shall take effect an from and after its passage and publication.

Approved March 17, 1873.

CHAPTER 217.

[*Published March 24, 1873.*]

N ACT relating to county judges' fees in Monroe county.

people of the state of Wisconsin, represented in senate ad assembly, do enact as follows:

ECTION 1. The county board of supervisors of roe county at their next annual meeting are here- uthorized and empowered to establish a salary for office of county judge in said county, for the term filled at the April election of the year 1873, either tablish for such salary such fees as were allowed office before the passage of chapter seventy-five of eneral laws of 1867, or in lieu thereof, such a sum oney as the said county board shall deem just and ensatory.

May establish salary of county judge.

CTION 2. This act shall take effect and be in force and after its passage.

proved March 17, 1873.

CHAPTER 218.

[*Published April 22, 1873.*]

CT to amend chapter five hundred and forty of private local laws of 1866, entitled an act to incorporate the Green and Lake Pepin Railway.

eople of the state of Wisconsin, represented in senate l assembly, do enact as follows:

OTION 1. The counties of Brown and Wood, each hich has issued one hundred and fifty thousand rs of bonds in aid of the construction of the Green and Lake Pepin Railway; the city of Green Bay, h has so issued one hundred thousand dollars of s; the borough of Fort Howard, which has so is- forty thousand dollars of bonds; the village of London, which has so issued fifty thousand dol- of bonds; the town of Plover, which has so issued y thousand dollars of bonds; the town of St. rence, which has so issued fifteen thousand dollars

Towns, cities and villages that may elect railroad director.

Green Bay.

Fort Howard.

New London.

Plover.

St. Lawrence.

Black Creek.

Alma.

Little Wolf and Scandinavia.

Seymour.

Arcadia.

Mukwa.

Preston.

Dexter.

Hixton.

Bovina.

Helvetia.

Royalton and Dapont.

All other counties, cities, etc.

Shall be styled municipal director—his powers and duties.

of bonds; the town of Black Creek, whic
sued twelve thousand dollars of bonds
Alma, which has voted so to issue fifteen
lars of bonds, and has so issued ten tho
thereof; the towns of Little Wolf and
each of which has so issued ten thousa
bonds; and the town of Seymour, which
seven thousand dollars of bonds; the tow
after it shall have so issued the fifty thou
of bonds heretofore voted in aid of such
the town of Mukwa, after it shall have
thirty-five thousand dollars of bonds s
town of Preston, after it shall have so issue
five thousand dollars of bonds so voted;
Dexter, after it shall have so issued the tw
dollars of bonds so voted; the town of
it shall have so issued the fifteen thous
bonds so voted; the town of Bovina, afte
so issued the ten thousand dollars of bo
the town of Helvetia, after it shall have
seven thousand dollars of bonds so vote
of Royalton and Dapont, respectively, aft
respectively have so issued the five tho
of bonds by each of them so voted; and
counties, cities, villages and towns of thi
shall hereafter issue their bonds in aid
struction, after issue thereof shall, so lo
spectively continue to hold and own the
railway company, issued or to be issue
for such bonds, in addition to their exis
vote upon the election of all other dire
company, have the exclusive right of and
selves, by vote of a majority of the shar
them collectively, to elect one of the dir
railway company, who shall be styled the "
rector," and who, in addition to all the pow
vested in or devolving upon any other di
company, shall be specially charged with t
interests of all such counties, cities, villag
as the same or any thereof may be affecte
tion of said railway company; and the
who, at any election of directors of said co
receive a majority of all the votes cast f
director, and by the authorized representa
counties, cities, villages and towns entitl
such election, shall be deemed duly electe
nicipal director," to all intents and purpo
had received a majority of all the votes
election.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1873.

CHAPTER 219.

[*Published March* 25, 1873.]

AN ACT to amend chapter two hundred and seventy-five of the private and local laws of 1870, entitled "an act to incorporate the city of Manitowoc, and the acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—aldermen shall meet and fix salaries of city officers.

SECTION 1. Chapter three of chapter two hundred and seventy-five of the private and local laws of 1870, entitled "an act to incorporate the city of Manitowoc," is hereby amended by adding a section at the end of said chapter three, to read as follows: Section 11. It shall be the duty of the board of aldermen to meet on the second Monday in March in each year, for the purpose of fixing the salaries of the following officers for the ensuing year, to-wit: City treasurer, city clerk, assessor, city attorney, bridge-tenders, and street commissioners: *provided*, that in case no quorum shall be present at that time, the board shall adjourn from day to day until a quorum be present; *and provided further*, that the salaries for 1873 may be fixed at any time previous to April fifteenth, 1873. Section 12. The board of aldeamen may appoint suitable persons as engineers, assistant engineers, drivers or firemen, for the purpose of taking charge of the steam fire engine and engines, and may from time to time describe by ordinance, or otherwise describe, the duties and fix the compensation of such persons so appointed.

May appoint examiners, etc.

Amended—county treasurer shall settle with city treasurer.

SECTION 2. Section sixteen of chapter nine of chapter two hundred and seventy-five of the private and local laws of 1870, entitled "an act to incorporate the city of Manitowoc," is hereby amended to read as follows: Section 26. It shall be the duty of the county treasurer of the county of Manitowoc to settle annually with the treasurer of said city of Manitowoc, and pay over to him all moneys belonging to said city, arising from the sale of lots and lands returned by said city treasurer to said county treasurer for the non-pay-

ment of taxes, in the same manner as
treasurer is required by law to settle with
to town treasurers in the several towns o
of Manitowoc.

Amended—regulations for subdivision of lots.

SECTION 3. Section three of chapter t
and fifty-nine of the private and local law
titled "an act to amend chapter two
seventy-five of the private and local laws
titled "an act to incorporate the city of M
hereby amended by adding to section si
ten in said section three of the act aforesa
ing words: "Whenever, by deed or re-su
or more lots in any block have been sub-
to change the front of said lots from
another street, said lots shall have been
surveyed and re-platted, and shall be
purpose of improving streets and sidew
streets on which they abut after such sub
lots so sub-divided shall be at least one
long."

Amended—what property exempt from taxation, and how tax upon public grounds paid.

SECTION 4. Section three or chapter t
and fifty-nine of the private and local
entitled "an act to amend chapter two
seventy-five of the private and local la
entitled "an act to incorporate the city o
is amended by striking out section seven
ter ten of said section three, and insertin
ing: Section 17. No lot or parcel of lan
shall be exempted from the payment of its
any tax for the improvement of streets o
or repairing of sidewalks upon which suc
cels of land may border, excepting only
longing to the United States or to the state
All taxes levied upon any park or public
virtue of this act, shall be paid by the
side of the Manitowoc river where said p
grounds are situated.

Amended—taxation for the grading and repair of streets.

SECTION 5. Section three of the a
the previous section is hereby further
striking out section nineteen of chapter t
three of said act, and inserting as follows
Parts of streets which have been brou
(whether entirely finished otherwise or n
be liable to any taxation for the improve
parts of the same street; but if the sidew
been graded, or if the road has not been
paved, such grading, graveling or paving
in the same manner as heretofore provide
or parts thereof have once been thorough

aded and graveled, and repairs become necessary terwards, then such repairs shall be made and the sts thereof charged to the ward or wards in which ich street is situated. In such cases, the street commissioner shall have charge of the works, and cause the ime to be done.

SECTION 6. Section three of said act named in section four of this act is hereby amended by adding at the nd of section twenty-one of chapter ten of said section iree, the following additional section: Section 22. 'he board of aldermen may own, operate and keep in epair, or build, purchase, rebuild or rent one or more redges and such dump-scows, scows, tugs or other vessels, or apparatus as may be necessary for the purpose f dredging the said Manitowoc river, or the streams of vater in said city emptying into the same, to such lepth as may be required, and the said board may lease such dredge, scow or apparatus to such parties, and unler such conditions as may seem best to such board of ldermen, or they may operate such dredge, scows or pparatus in such manner and under such rules as they may prescribe by ordinance or otherwise. Said board may appoint such superintendent, engineers, firemen or operatives of any kind as may be necessary to work such dredge, scows or other apparatus, and may prescribe the price per hour or day or per cubic yard of ground dredged from said river, which shall be charged if said dredge, scow or apparatus are worked for private parties. The said board may, if dredging is ordered as prescribed in the preceding section, order the same to be done by the dredge owned or operated by said city, without letting such work by contract, and the certificate for the cost of such dredging shall issue to the said city, and be a lien upon said lot or lots as if issued under the provisions of said section twenty-one, above referred to.

Amended—council may own and operate dredges, scows, etc., for improvement of navigation.

May employ officers and operatives for dredging.

SECTION 7. No alderman or other officer of said city shall be directly or indirectly interested in any contract in which said city shall be a party; and any alderman or other officer violating the provisions of this section shall suffer the same penalty as provided in section eighteen of chapter five of chapter two hundred and seventy-five of the private and local laws of 1870, entitled "an act to incorporate the city of Manitowoc."

No city officer to be interested in public contract.

SECTION 8. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect from and after its passage.

Approved March 17, 1873.

CHAPTER 220.

[*Published March* 24, 1873.]

AN ACT in relation to the issue of bonds by the city of Hudson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Not to issue city bonds except by order of circuit court.

SECTION 1. It shall not be lawful for the mayor, city clerk, or any other officer or agent of the city of Hudson, to sign or issue any bonds of said city to the North Wisconsin Railroad, in relation to which litigation is now pending in the courts, until after such time as an order shall have been obtained from the circuit court, directing said city or its officers to issue and deliver said bonds, and also until such order of the circuit court shall have been affirmed on appeal by the supreme court: *provided, however*, that any such order of the circuit court shall be promptly appealed to the supreme court.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1873.

CHAPTER 221.

[*Published March* 27, 1873.]

AN ACT to amend chapter one hundred and seventy-six of the general laws of 1861, entitled an act to incorporate fire companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—fire companies may meet and elect trustees.

SECTION 1. Section one, chapter one hundred and seventy-six of the general laws of 1861, is hereby amended so as to read as follows, viz: Section 1.

Whenever any fire engine, hook and ladder, sack or other fire company shall have been duly organized, and shall have elected such officers as they are by law required to elect, and such organization and election of officers has been confirmed or sanctioned by the common council of any city, or the board of trustees of any village, or the board of supervisors of any town in which such village may be located having no board of trustees, in which such company may be organized, it shall be competent for any such company to assemble at their usual place of meeting, and according to the rules of their company, to elect any number of discreet persons, members of their company, not less than three nor more than nine in number, as trustees, to take charge of the estate and property belonging to such company, and to transact all business relative to the investment and disposal thereof.

Amended—not to interfere with rights of town, city or village authorities.

SECTION 2. Section six of said chapter is hereby amended so as to read as follows, viz: Section 6. This act shall not be so construed as to interfere with the right of the common council of any city, or the board of trustees of any village, or the board of supervisors of any town in which such village may be located, having no board of trustees, to disband any fire company under their jurisdiction, for misconduct, or when from any other cause such council or board shall consider that such a course would be conducive to the best interests of such city or village.

SECTION 3. All laws or parts of laws conflicting with any of the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1873.

SECTION 9. This act shall take effect fro its passage.

Approved March 17, 1873.

CHAPTER 220.

[*Published Ma*

AN ACT in relation to the issue of bonds by the c

The people of the state of Wisconsin, represen and assembly, do enact as follows:

Not to issue city bonds except by order of circuit court.

SECTION 1. It shall not be lawful for city clerk, or any other officer or agent of Hudson, to sign or issue any bonds of said North Wisconsin Railroad, in relation to tion is now pending in the courts, until aft as an order shall have been obtained from court, directing said city or its officers to i liver said bonds, and also until such orde cuit court shall have been affirmed on a supreme court: *provided, however*, that any of the circuit court shall be promptly app supreme court.

SECTION 2. This act shall take effect an from and after its passage.

Approved March 17, 1873.

CHAPTER 221.

[*Published Ma*

AN ACT to amend chapter one hundred and sev general laws of 1861, entitled an act to incorp panies.

The people of the state of Wisconsin, repre ate and assembly, do enact as follows:

Amended—fire companies may meet and elect trustees.

SECTION 1. Section one, chapter one seventy-six of the general laws of 1861 amended so as to read as follows, viz

never any fire engine, hook and ladder, sack or
fire company shall have been duly organized, and
have elected such officers as they are by law re-
d to elect, and such organization and election of
rs has been confirmed or sanctioned by the com-
council of any city, or the board of trustees of
village, or the board of supervisors of any town
hich such village may be located having no board
ustees, in which such company may be organized,
ll be competent for any such company to assem-
t their usual place of meeting, and according to
les of their company, to elect any number of
eet persons, members of their company, not less
three nor more than nine in number, as trustees,
e charge of the estate and property belonging to
company, and to transact all business relative to
vestment and disposal thereof.

Amended—not to interfere with rights of town, city or village authorities.

CTION 2. Section six of said chapter is hereby
ded so as to read as follows, viz: Section 6. This
hall not be so construed as to interfere with the
of the common council of any city, or the board
ustees of any village, or the board of supervisors
y town in which such village may be located,
g no board of trustees, to disband any fire com-
under their jurisdiction, for misconduct, or when
any other cause such council or board shall con-
that such a course would be conducive to the
interests of such city or village.

CTION 3. All laws or parts of laws conflicting
any of the provisions of this act are hereby re-
d.

CTION 4. This act shall take effect and be in force
and after its passage and publication.

pproved March 17, 1873.

CHAPTER 222.

[*Published March 2*

AN ACT to amend section twenty-six, chapter one hu ninety-one, private and local laws of 1871, entitled amend chapter forty-nine of the private and local la entitled 'an act to incorporate the village of Bl Falls.'"

The people of the state of Wisconsin, represented and assembly, do enact as follows:

Amended—how taxes to be levied and collected.

SECTION 1. Section twenty-six of chapter dred and ninety-one, private and local laws entitled "an act to amend chapter forty-nin private and local laws of 1866, entitled 'an a corporate the village of Black River Falls,'" i amended by striking out all after the word, "tion," where it occurs in the fifth line of said so that the section will read as follows: "Se All taxes levied by the said trustees shall b and collected in the same manner as taxes a and collected in said town for town and cou poses, and when so collected shall be paid ov treasurer of said corporation."

SECTION 2. This act shall take effect and be from and after its passage.

Approved March 17, 1873.

CHAPTER 223.

[*Published March 2*

AN ACT to amend chapter fifty-eight of the private laws of 1869, entitled an act to revise, consolidate an an act, entitled an act to incorporate the city of approved March 14, 1856, and the several acts a thereof.

The people of the state of Wisconsin, represented and assembly, do enact as follows:

Repealed—Council shall provide for ward funds.

SECTION 1. So much of section three of fifty-eight of the private and local laws of 186 quires the assessment roll of the city of La Cro

out by wards, and to show the taxable property, real and personal, of each ward separately, is herepealed; but the common council shall have power, ever they deem it expedient, to provide by ordi- for the establishment of separate ward funds, and aking out the assessment roll of the city, both as l and personal property, by wards; and no tax ofore or hereafter assessed in said city shall be held id for the reason that the real or personal proper- said city was or was not assessed by wards, nor the omission to assess any real estate in said city owner, or as unknown, affect the validity of any r assessment.

CTION 2. The city of La Crosse is hereby ex- ed from the provisions of chapter one hundred and ty-nine of the general laws of 1861, entitled "an create the office of county superintendent of ls," except in the matter of making reports to the y superintendent of schools of La Crosse county. Exempt from county superintendent system

CTION 3. All acts or parts of acts contravening nflicting with the provisions of this act are, for the oses of this act only, hereby repealed.

CTION 4. This act shall take effect and be in from and after its passage.

pproved March 18, 1873.

CHAPTER 224.

[*Published March 27, 1873.*]

CT authorizing county boards of supervisors to exercise jurisdiction over public highways in certain cases.

eople of the state of Wisconsin, represented in senate assembly, do enact as follows:

TION 1. In case any organized town in this either through its proper officers, or by a majority f its citizens refuses to repair any public high- n such town, it shall be lawful for parties feeling ved thereby, to appeal from such decision to the y board of supervisors of the county in which wn is situated. May appeal from decision of county court.

CTION 2. In case of an appeal being taken from decision and signed by not less than fifteen free- ers of such town, it shall be the duty of the county County board shall examine highway.

board of supervisors, at any regular m
same, to examine such highway, either by
bers thereof, or by a committee of the s
their judgment repairs ought to be mad
shall determine what amount is necessary
highway, and assess the amount so deter
town, which amount shall be collected
manner as the highway tax is now requi
lected.

Shall exercise jurisdiction.

SECTION 3. In case of an appeal as
fied, the county board of supervisors sha
same jurisdiction over such highway as t
of supervisors exercise over other high
town.

SECTION 4. This act shall take effect
from and after its passage and publicatio

Approved March 18, 1873.

CHAPTER 225.

[*Published M*

AN ACT to provide for levying and collecting
the year 1873.

*The people of the state of Wisconsin, repr
ate and assembly, do enact as follows:*

State tax to be levied.

SECTION 1. There shall be levied upo
able property of the state, and collected
1873, a state tax of three hundred and
thousand, one hundred and ten dollars, i
the amount authorized to be levied by e
Said tax shall be apportioned among and
the several counties of the state, and colle
into the state treasury as provided by law

Secretary of state shall certify amount to each county.

SECTION 2. The secretary of state sha
he is required by law to apportion the sta
the several counties, also specially certify
ty the amount for which such county is
the state at the time of the apportionment
tax, which amount shall be levied and c
paid into the state treasury with the state
year 1873.

County clerks to levy tax.

SECTION 3. It shall be the duty of the c
of the several counties to levy the amount

pportioned to and charged against their respective ounties, including their indebtedness as certified to hem by the secretary of state upon all taxable prop-rty therein, as provided by law.

SECTION 4. This act shall take effect and be in force rom and after its passage and publication.

Approved March 18, 1873.

CHAPTER 226.

[*Published March* 29, 1873.]

AN ACT to amend chapter eighty-four of the private and local laws of 1872, entitled an act to apply the drainage fund of the town of Lebanon, in the county of Waupaca, for drainage purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter eighty-four of the private and local laws of 1872 is hereby amended by striking out the word, "sixteen," in the fourteenth line of said section, and inserting in lieu thereof, the word, "twenty-one." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 227.

[*Published March* 25, 1873.]

AN ACT to amend chapter seventy-six of the general laws of 1871, entitled an act to amend chapter twenty-five of the general laws of 1870, entitled an act to authorize certain counties, towns, cities and villages to aid the Milwaukee and Northern Railway Company, approved March 14, 1871.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter seventy-six of the general laws of 1871, entitled an act to amend chapter twenty-five of general laws of 1870, entitled an act to authorize certain counties, towns, cities and villages to aid the Milwaukee and Northern Railway

Amended—railroad company shall make proposition in writing to county, town, city or village authorities for aid.

Company, approved March 14, 1871,
amended as to read as follows, to-wit
Whenever said company shall desire any
town, city or village to subscribe for, and
its stock or bonds, it shall make and d
county clerk of such county, the town c
town, or the clerk of such city or village
may be, a proposition in writing, signed
dent or vice president and secretary of s
and sealed with its corporate seal, whic
shall state the amount, kind and descrip
or bonds which the county, town, city or
sired to subscribe for and take, and the te
it is desired to subscribe for and take t
the manner in which it is desired to pay
ment of such subscriptions, whether in
bonds; and if bonds are desired to be is
then the amount of each bond, the aggr
of all the bonds, the rate of interest th
and the time of payment thereof. Upon r
proposition, the county clerk of such cou
clerk of such town, or the clerk of such c
as the case may be, shall immediately cal
the proper authorities of such county,
village to take into consideration the
said company, when such board or prop
may, and upon written request of six l
such county, town, city or village, shall g
an election to be held by the legal voters
ty, town, city or village, as the case ma
place, on such day and during such hou
as they may designate, which day shall no
five nor more than thirty days from the
notice, and such notice shall contain a sta
substance of the proposition made by said
aforesaid, and call upon the legal voters to
a ballot, upon which shall be written or
words, "for the railway proposition," o
"against the railway proposition," and any
sition heretofore made and signed by the
and all proceedings and contracts had or m
in pursuance of the same, shall be as val
ual as if the same had been signed by the
said company.

County, town, city or village clerks to call meetings to vote on proposition.

Form of ballot.

SECTION 2. Section four of said chapte
is hereby so amended as to read as fo
Section 4. If a majority of the legal v
such county, town, city or village voting i
of the provisions of this act, shall cast a b

Amended—If vote is for the proposition, proper officers shall subscribe for and take stock, and issue bonds therefor.

ng the words, "for the railway proposition," and the otes so cast in favor of such proposition shall, at the ame time, be equal to a majority of the legal votes ast in such county, town, city or village at the elec- on of governor next preceding the date of such prop- sition, it shall be the duty of the proper officers in be- alf of such county, town, city or village, to subscribe or and take, or agree to take, stock or bonds of said ompany, of the kind and description, to the amount, nd on the terms and conditions specified in such prop- sition of said company, and in payment therefor to ake, issue and deliver to said company the bonds of id county, town, city or village, as the case may be, ayable to bearer; or, in case such subscription is pay- ble in money, and not to be secured by bonds, then it all be the duty of the proper authorities of such unty, town, city or village to levy, collect and pay to id company in money the amount of such subscrip- on, in all respects in accordance with the terms and nditions of such proposition of said company, and ch tax shall be in addition to all other taxes author- ed by law, and shall be levied upon and collected om all taxable property in such county, town, city or llage in the same manner that general taxes are levied d collected by law. All acts or parts of acts, if any, nflicting herewith, are hereby repealed.

SECTION 8. This act shall be deemed a public act, d shall take effect and be in force from and after its assage and publication.

Approved March 18, 1873.

CHAPTER 228.

[*Published March 27, 1873.*]

AN ACT to amend chapter one hundred and forty-one of gen- al laws of 1868, relating to the taxation of telegraph com- anies.

e people of the state of Wisconsin, represented in senate nd assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and y-one of general laws of 1868, is hereby amended adding to the end of said section as follows: "If telegraph company, or its officers, shall fail to

Amended—penalty for failure to comply with act.

comply with the requirements of chapt
and forty-one of the laws of 1868, such
forfeit to the treasurer of this state, for
state, the sum of five hundred dollars f
neglect, to be recovered in the name of
urer, by action on this statute."

SECTION 2. This act shall take effect
from and after its passage and publicati

Approved March 18, 1873.

CHAPTER 229.

[*Publishe*

AN ACT to amend chapter two hundred an
private and local laws of 1869, entitled "an a
laying out of a state road from Green Ba
proved March 5th, 1869.

*The people of the state of Wisconsin, rep
ate and assembly, do enact as follows:*

Amended—commissioners appointed.

SECTION 1. Section one of the act o
amendatory is hereby amended so as to
Section 1. James M. Boyd, Vanden
Arnold Martins are hereby appointed
with full power and authority to lay ou
open a state road of eighty feet in width
end of Webster street in the city of Gr
county of Brown, thence to some suita
village of Depere, in said county, to be
said commissioners.

Shall make a map of the road

SECTION 2. After said state road s
laid out and established by said com
within ten days from such laying out and
the said commissioners shall make out a
plat of survey of said road, and file th
office of the county clerk of Brown cou

Shall give notice of laying out road.

SECTION 3. Immediately after the
survey, the said commissioners shall cau
laying out and establishment of said r
to all the occupants of the lands throu
road may pass, stating that said com
meet at a certain place within the town
said county, at a time to be therein nam
pose of appraising the damages sustain
son or persons through whose lands sai

t; such notice shall be served personally on all cupants of said land, or by copy left with or usual place of abode of said occupants, at least ays before the time appointed for such meeting.

How damages to be ascertained.

CTION 4. The damages sustained by any person rsons through whose land said road shall be laid nd established, may be ascertained by agreement en the said commissioners and such owner or rs; every such agreement shall be reduced to g and signed by such owner and the said com- oners, and filed in the county clerk's office; and such agreement, and every release for damages , shall forever preclude such owner and all per- laiming under him, from all further claim for ges. If there be any owner or owners of said who shall not agree with the commissioners as to ompensation they shall receive for damages sus- l by them by reason of the laying out and estab- ent of said road, and who shall not, previous to eeting of said commissioners, deliver to them a en release of all claims for damages sustained by by reason thereof, said commissioners shall, at me and place of meeting appointed by them as said, assess the damages which such owner or rs will sustain by reason of the laying out of said through their lands, and make an award in writ- specifying the sum awarded by them to each of owners for their respective damages; and if the r of any parcel of said land is unknown, the com- oners shall, in their award, specify the amount of ges awarded by them to such unknown owner.

When owners cannot agree upon damages, how assessed.

Award to be signed and filed.

award shall be signed by the commissioners and in the county clerk's office, and on and after filing ward in the office of the said county clerk, the oad shall be a public highway, and be deemed d and established for highway purposes.

How commissioners to be paid.

CTION 5. All damages and expenses necessarily oned by the laying out, establishment and open- id road, shall be paid by the city of Green Bay, wn of Bellview, and the village of Depere; and ommissioners shall each receive for their services ing out and opening said road two dollars and nts per day for each day they are actually en- thereon, and a majority of said commissioners ave full power to do and perform any act or duty d by this act to be done or performed by said ssioners.

Any party may appeal from award of commissioners.

TION 6. Any party feeling himself aggrieved action of the said commissioners in awarding

damages aforesaid, may appeal therefrom
court of Brown county, by filing in the
clerk of said circuit court a written not
within twenty days from and after the
award of damages, and by executing to th
Green Bay, town of Bellview, and villag
and filing with said clerk of said circuit co
taking, with two sufficient sureties, condi
all costs incurred by reason of said appeal
ages finally received by said appellant sha
the amount awarded by said commissione
the filing of said notice and undertaking,
said court shall enter such appeal on his d
in the party appealing shall be plaintiff, a
Green Bay, town of Bellview, and village
fendants; and such action shall be hea
mined as other issues of fact joined in said

Board for auditing accounts and claims arising under this act.

SECTION 7. The mayor of the city o
the chairman of the town of Bellview, a
dent of the village of Depere are hereby
board for the purpose of auditing all
claims arising under the provisions of
upon the certificate of a majority of sai
with the clerk of each of said municipali
fore the first day of October in each year,
the amount of expense necessarily and p
incurred for the improving and mainta
road during the year commencing at s
clerk of each of the municipalities afore
making up the tax roll for each year, inc
and carry out in the column of state an
the amount of tax chargeable, as appears
tificate, against the city, town or village
may be, on account of said road, which a

How amount to be ascertained and apportioned.

be thus ascertained, viz: by calculation o
value of the taxable property of each of
palities as the same shall have been fixed
previous board of county equalization, an
ment of the proportion of said tax acco
ratio which the taxable property of each
nicipalities bears to the aggregate value of
property according to said equalization
town and village, taken together. The sai
elect one of their number as chairman, and
the city of Green Bay shall be ex-officio
of the board.

Repealed.

SECTION 8. The act entitled "an act
the laying out of a state road from Green
pere," approved March 5th, 1869; and the

, are hereby declared to be in force, except the provisions thereof conflict or are inconsistent he provisions of this act, and in which latter case, such conflicting or inconsistent provisions are repealed.

Superintendent to report on condition of road, etc.

TION 9. The county superintendent of highways s soon as practicable after said highway shall een opened and established in accordance with four of this act, and annually thereafter on or the 1st day of June, report to the said auditing pon the condition of said highway, the amount racter of the work necessary or proper to be hereon during the ensuing year, and furnish th a specific estimate of the cost thereof, and for rvices shall be entitled to receive five dollars per r all the time necessarily employed therein.

Shall procure work done.

ION 10. The said board shall have authority ure the performance of the work required upon hway, either by contract or otherwise.

City, town and village treasurers to pay over to county treasurer.

ION 11. The treasurer of the said city of Green wn of Bellview and village of Depere, shall anwithin thirty days after the expiration of the the collection of taxes, pay over to the county r of Brown county the sums collected by them unt of said state road tax, and the said sums so er shall be held by said county treasurer as a fund, to be called "the state road fund." ts from said fund shall only be made upon the the chairman of said auditing board, which ll be countersigned by the secretary thereof.

Shall give notice for removal of fences, etc.

N 12. In case the commissioners shall have and opened said road through any enclosed, l or improved lands, and their determination have been appealed from, they shall give the occupant of such lands notice, in writing, to s fences within such time as they shall deem not less than thirty days after giving such if such owner or occupant shall not remove within the time required in such notice, the intendent of county highways shall cause to be removed; but if the determination missioners shall have been appealed from, notice shall be given after the final decision peal.

What certificate shall include.

13. The certificate which shall be filed by (in accordance with section seven of this efore the first day of October, 1873, shall a certificate of the expense incurred and to for laying out and opening said road, as

well as for maintaining and improving
previous to or during the year succeedi
SECTION 14. This act shall take ef
force from and after its passage and pub
Approved March 18, 1873.

CHAPTER 230.

[*Published*

AN ACT to amend section ten of chapter
twenty-seven of the general laws of 1872, e
provide against the evils resulting from t
cating liquors."

The people of the state of Wisconsin, repr
and assembly, do enact as follows:

Amended—application of act.

SECTION 1. Section ten of chapte
and twenty-seven of the general laws o
amend by adding to said section ten
words: All the preceding sections of
apply to and be in force in each and
incorporated village in this state, any p
charter of any such city or village to th
withstanding.
SECTION 2. This act shall take effect
from and after its passage.
Approved March 18, 1873.

CHAPTER 231.

AN ACT relating to and amendatory of sectio
ter three hundred and twenty-eight of the
laws of 1867, entitled an act to incorporate t
Flooding Dam and Boom Company.

The people of the state of Wisconsin, repr
and assembly, do enact as follows:

Amended—may construct and maintain dam.

SECTION 1. Section nine of chapter
and twenty-eight of the private and loc
year 1867 is hereby amended so as to re
Section 9. The said company shall be

zed and empowered to construct, maintain and
n repair, a dam across the Chippewa river, on
twenty-two, in town twenty-nine north, of
ight west, at Eagle Rapids, in Chippewa county,
sin, at such height as not to raise the water to
twelve feet above low water mark, at the mills
Vebb & Co., at the head of said rapids: *provided*, Limit of height of dam.
m shall not exceed twenty-two feet from low
nark to the top of said dam, said dam to be pro-
vith a suitable chute and slide for the free pas-
lumber and logs; said slide not to be less than
four feet wide, and of suitable length to pass
ithout danger or delay; said dam also to con-
sufficient number of flood gates to draw the
from the pond created by said dam, and also a
sluice or chute for the running of logs in low
over the said dam.

TION 2. Section eleven of said chapter is here- Amended—how title to land to be acquired.
ended by adding thereto the following: *provided*,
or the purpose of acquiring title to any land
the said dam will cause to overflow, or which
be necessary to flow by reason of the erection of
am to the height herein provided, the said com-
shall proceed in the same manner as is provided
apter one hundred and nineteen of the general
of 1872, in relation to the organization of railroad
anies, so far as the same shall be applicable here-
d shall be entitled to all the rights and powers
ed by said act to and in such lands.

CTION 3. This act shall take effect and be in
from and after its passage and publication.

proved March 18, 1873.

CHAPTER 232.

[*Published March* 20, 1873.]

CT to amend an act entitled an act to incorporate the city of Wausau.

ople of the state of Wisconsin, represented in senate assembly, do enact as follows:

TION 1. That from and after the passage of this City limits.
l that district situated in the county of Marathon,
ate of Wisconsin, and described as follows: All

of sections thirty-six (36), twenty-five (
(26) and thirty-five (35), all in township
ty-nine (29) north, of range seven (7)

Name and powers.

known and designated as the city of W
that name shall be capable of contract
contracted with, of suing and being
and being impleaded, answering and b
unto, in all courts and places, and in all
ever, with powers of purchasing, recei
occupying and conveying real and perso
shall be competent to exercise all the ri
leges, and be subject to all the duties
appertaining to a municipal corporation.

Division into wards.

SECTION 2. The said city shall be di
wards, the boundaries of which shall be
wit: All of that territory lying west of
of the village of Wausau shall const
ward, and that portion lying east of M
south of Washington street, shall constit
ward, and that portion lying east of Mai
Washington street, shall constitute the t

How corporate authority vested.

SECTION 3. The corporate authorit
shall be vested in one municipal offic
mayor, in one board of aldermen, con
members from each ward, who with the
denominated the common council, toge
other officers as are hereinafter mention
created under this act.

Elective officers and their terms of office.

SECTION 4. The elective officers of
be a mayor, a treasurer, a marshal, one
for the city-at-large, a city clerk, a chie
the city-at-large, a city attorney, two
assessor and one justice of the peace
which said officers shall hold their respec
follows: the mayor, assessor, treasurer,
engineer, city clerk and city attorney for
aldermen, police justice and justices of
two years; the term of office shall com
first Monday after their election. Each o
shall continue in office for his respective te
his successor is elected and qualified, a
such powers and perform such duties as
by this, or as may be prescribed by this,
prescribed by any ordinance of said ci
sistent with this act, or which may not be
with their respective offices.

Election of city and ward officers.

SECTION 5. On the first Tuesday of
year, the qualified electors of said city of
elect one mayor, one assessor, one treasur

justice, one chief engineer of the fire department, one clerk and one city attorney, which said officers shall be qualified voters resident in said city, and on the same day, and at the same place of holding said election, the said qualified electors shall also elect aldermen and one justice of the peace for each ward; the aforesaid officers shall be residents of the respective wards. The election shall be held in the first ward at the Lake Superior house, in the second ward at the Forest house, and in the third ward at the engine house. The voters present shall have power to proceed by nomination and *viva voce* election, to elect three inspectors and two clerks, whose duties shall be (after being sworn by any officer competent to administer an oath by the laws of this state), to see that said election shall be conducted in accordance with the laws of the state of Wisconsin, and any fraud or violation of said laws at said election shall be punishable the same as any violation of the election laws of this state; and at every subsequent first Tuesday in April thereafter, elections shall be held in the same wards in said city, for the officers above designated, and said elections shall be presided over by the aldermen in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls, shall elect by *viva voce*, a sufficient number of inspectors to make three, with the alderman or aldermen present, who shall be sworn in accordance with the laws of the state. They shall appoint two clerks, who shall severally take and subscribe the oath of office; and shall see that the names of the voters are registered, and the ballot safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the vote presented; shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election shall direct and return one of said returns to the clerk of the city council, and the other to the clerk of the county of Marathon. The mayor of the city, and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after the election, meet at the common council chamber, and canvass such returns; and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The polls shall be open from 9 o'clock, A. M., until 6 o'clock, P. M.

Places of election.

Inspectors of election.

Time of each annual election fixed.

Clerks of election—their duties.

Board of canvassers.

SECTION 6. In the event of a vacancy in the office of mayor or alderman, by death, removal or other disability, the common council shall order a new election,

How vacancies filled.

and shall give five days' notice thereof.
cies in the other offices shall be filled b
council. The person elected or appoint
cancy shall hold the office and dischar
thereof for the unexpired term, with th
and subject to the same liabilities as the
office he may be elected or appointed to

Manner of voting at elections, and by the council.

SECTION 7. All elections by the peop
ballot, and a plurality of votes shall con
tion. All elections by the common c
their option be *viva voce*. When two o
dates for an elective office shall receive
ber of votes for the same office, the ele
determined by casting lots in the presen
mon council, at such time and in such m
may direct. All persons entitled to vo
county officers, and who shall have resid
for ten days preceding the election, and
within the ward where they offer to vot
titled to vote for any officer to be elect
law, and having six months' residence w
city, to hold any office hereby created.

Qualifications of voters.

Special elections.

SECTION 8. Special elections to fill
any other purpose, shall be held and con
aldermen of each ward, or inspectors, a
this act, and returns thereof shall be ma
time and in the same manner as of gen
elections.

Classification of aldermen.

SECTION 9. There shall be elected a
tion under this act, two aldermen in e
shall hold their office for one year, and a
election thereafter two aldermen in ea
shall hold their office for one year; the al
on the tickets as member of the county
pervisors, shall also be the member of th
pervisors from that ward for one year.

When office deemed vacant.

SECTION 10. Any officer removing f
and any officer removing from the w
he was elected, and any officer who sh
neglect to qualify within twenty days afte
shall be deemed to have vacated his o
common council shall proceed to fill su
herein provided.

OFFICERS—THEIR POWERS AND D

What officers shall take oath and give bonds.

SECTION 11. Every person appointe
vacancy under this act shall, before he
the duties of his office, take and subscri
office and file the same, duly certified b

taking the same, with the city clerk, and the treasurer, marshal, police justice and justices of the peace and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Wausau, a bond, in such sum and with such security and such conditions as the common council may direct; and the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

The mayor—his powers and duties.

SECTION 12. The mayor, when present, shall preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of said city discharge their respective duties. He shall sign all contracts duly authorized by the council, and shall also sign all ordinances that are passed upon by the common council, and also sign all orders drawn on the treasurer; upon a vote of the common council, he shall appoint a police in such numbers as the common council may direct, and in case of a riot or disturbance of the peace, shall call out the members of the different fire companies, who on such occasions shall have the same authority, and shall be vested with the same powers as policemen. He shall communicate to the common council in writing, once a year, such information as he may deem necessary, and at all times give such information as the common council may require.

Election of president of the council—his powers and duties.

SECTION 13. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect, by ballot, one of their number as president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, from any cause, to discharge the duties of his office, the president shall execute all the powers and duties of the mayor. In case the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall perform the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

Shall let the public printing to the lowest bidder.

SECTION 19. The common council s provide that all printing authorized ar them to be done for their use or for the u shall be let by contract to the lowest b term of one year, but no bid therefor sh ered unless made by the publisher o printed and published in the city of W the bids of such publishers shall be h legal rates of advertising, as fixed by

Publication of ordinances.

such publisher or publishers should fa ordinances and other proceedings requir or by the laws or ordinances of the co to be published, shall be published in selected under the provisions of this se printer of said newspaper shall, either i his foreman, file with the clerk of the ci affidavit of the length of time said ord or proceeding had been published, and shall be conclusive evidence of the publ notice, ordinance, proceeding or by-law.

Delivery of property, books, etc., to successor in office.

SECTION 20. If any person, having b in said city, shall not, within ten days af and request, deliver to his successor in o erty, moneys, books, papers and all effec cription in his possession, belonging to pertaining to the office he may have held feit and pay to the use of the city one hu besides all damages caused by his neglec to deliver; and such successor may reco sion of such books, papers and effects i prescribed by the laws of the state.

Peace officers—their duties.

SECTION 21. The mayor, sheriff of M ty, each and every alderman, marshal, c and foreman of fire companies and th watchmen, all justices of the peace, shall the peace, and suppress in a summary m ing and disorderly behavior within the city; and for such purpose, may comma ance of all by-standers, and if need be,

Penalty for refusal of aid.

and military companies. If any perso military officer or private shall refuse to taining the peace when so required, ever shall forfeit and pay a fine of fifty dollar where the civil power may be required riots or disorderly behavior, the super officer present in the order mentioned i shall direct the proceedings.

SECTION 22. The police justice shall have the same power and jurisdiction as a justice of the peace, and exclusive jurisdiction in all cases arising under the city charter and the city ordinances, and shall have the same power and authority in cases of contempt as a court of record: *provided*, that nothing herein contained shall be deemed to divest the judges of the circuit or county courts of the authority as conservators of the public peace, nor to effect in any manner the powers or jurisdiction of the circuit or county courts of the county of Marathon. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services and no other, but the city shall not be liable to the said police justice for his said fees, except such as shall accrue in prosecutions for the violation of the charter or ordinance of the city, wherein the offender shall have been discharged from imprisonment or custody by the the authority of the common council. In case of absence, sickness or other disability of the police justice, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of police justice, and it shall be thereupon the duty of the mayor to inform the city attorney and marshal of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, and the justice so appointed shall for the time being possess all the authority, powers and rights of the police justice. Appeals and writs of *certiorari* may be taken from the police justice in the same manner as from the justice of the peace.

The police justice—his powers, duties and jurisdiction.

His fees.

His substitute.

SECTION 23. The police justice shall quarterly, report to the common council a list of all proceedings instituted before him in the behalf of the city, and the disposition thereof, and shall, at the same time, account and pay over to the treasurer, the amount of all penalties and fines collected, which may by law accrue to the city. The city shall not be liable or pay any costs for violation of any law of this state.

Shall make quarterly report.

SECTION 24. The common council may elect a city surveyor, and by the by-laws of said city, may prescribe his powers and duties.

May elect city surveyor.

SECTION 25. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Wausau do ordain," &c. The common council shall meet at such time and place, as they by resolution shall

Style of ordinances, etc.

direct. A majority of the aldermen shall
quorum.

Stated meetings, rules, etc.

SECTION 26. The common council shal
meetings, and the mayor may call special
notice to each of the members, to be serve
or left at their usual places of abode. T
council shall determine the rule of its proc
be the judge of the election and qualificatio
members, and have power to compel the
absent members.

The general and special powers of the common council defined.

SECTION 27. The common council sh
control and management of the finances, a
property belonging in the city, and shall
addition to the powers herein vested in th
full power to make, enact, ordain, establi
enforce, alter, amend, modify and repeal
nances, rules and by-laws for the governm
order of the city, for the suppression of
morality, for the prevention of crime, and f
of trade, commerce and health, as they sh
pedient, declaring and enforcing penalti
force the same against any person or pers
violate any of the provisions of such
rule or by-law; and such ordinances, rules
are hereby declared to be and have the f
provided, they are not repugnant to the
and laws of the United States or of this st
these purposes shall have authority, by ord
olutions, or by-laws,

The licensing of shows, sale of liquors, etc.

1st. To license and regulate the exhibi
mon showmen or shows of any kind, or th
of caravans, circuses, theatrical performan
tables and bowling saloons, and to prov
abatement and removal of all nuisances, u
dinances or at common law, and to grant
selling spirituous, vinous or fermented liq
regulate groceries, taverns, victualing hou
persons vending or dealing in spirituous, v
mented liquors, and to repeal the same fo
thereof: *provided*, that the sum to be p
such license shall not be less than the a
and provided by the laws of the state,
licenses granted shall terminate on the
May next following; *and provided further*,
son thus licensed shall sell or give away spi
mented or vinous liquors on election days.

Restrain gaming.

2d. To restrain and prohibit all des
gaming and fraudulent devices and practi
playing of cards, dice or other games of cha

purpose of gaming in said city; and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. **Prevent riots, etc.**

4th. To compel the owners or occupants of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city; and the said common council shall have power at any regular meeting to enact, ordain, publish and provide for necessary and suitable by-laws, which said by-laws so provided for, enacted and ordained, shall be the law, rule and regulation, until the same shall be abrogated and repealed by said board in the following cases. **The cleaning or abatement of nauseous places.** **May enact by-laws.**

5th. To regulate the location of slaughter houses. To prevent the obstructing of the streets. To prevent horse-racing, fast riding or driving in the streets, and to regulate places of bathing and swimming. To restrain horses and other domestic animals from running at large and provide rules for impounding and sale of the same; to prevent the running at large of dogs. **Slaughter houses, the obstruction of streets, horse racing, etc.**

6th. To establish public pounds, pumps, wells, cisterns and reservoirs; to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, draymen and cartmen; to erect lamps and to provide for lighting streets, public grounds and public buildings; to authorize the building and protecting of sidewalks in the city. **Establish public pounds, etc**

7th. To restrain drunkards and immoderate drinking or obscenity in the streets or public places. **Restrain drunkards.**

8th. To compel the owners or occupants of grounds or buildings, where the same are occupied, to remove all obstructions from the sidewalks. **Remove obstructions.**

9th. To regulate auctions. **Auctions.**

10th. To appoint watchmen and prescribe their duties. **Watchmen.**

SECTION 28. The common council shall examine, audit and adjust the accounts of the city clerk, street commissioner, treasurer, and all other officers and agents of the city, at any such time as they may deem proper, **Shall adjust accounts.**

and also at the end of each year, and before
of office expires.

May lay out, alter or discontinue streets.

SECTION 29. The city council, within t
its shall have full power and authority to l
or discontinue any highway, street, lane, al
lic walk therein, or to grade, pave or otherw
the same, as they may deem necessary or
provided, that no street, lane or alley shall b
by said council through any outlot conta
than five acres, unless the consent of the ow
ers thereof be first obtained in writing.

Shall act on petition of freeholders.

SECTION 30. No highway, street, lane, a
lic walk shall be laid out or altered, unle
signed by at least six freeholders, residents
shall be presented to the common council, a
for, describing the same with reasonable ce
if the same requires the taking of private
public use, against the consent of the owne
the necessity thereof shall be first establ
verdict of a jury.

Shall give notice when private property is taken.

SECTION 31. On presenting such petitio
appear that private property is required
against the consent of the owners, the
shall cause a notice of such application to
for two weeks, in one or more newspapers
stating that on a certain day therein to
jury will be summoned by the city mar
and decide upon such application, and the
taking such property.

Mayor shall issue venire for jurors.

SECTION 32. On or before the day n
notice, the mayor of the city or in his
acting mayor thereof, shall issue a venir
the marshal of said city, requiring him
jury of six disinterested freeholders there
no interest in the property proposed to b
are in no wise of kin to any person who
therein, whose duty it shall be to view
proposed to be taken, and hear such proo
offered by any person interested in the
witnesses may be sworn by the city mars

Jury shall make out verdict in writing.

SECTION 33. If such jury shall agre
new venires may be issued, and new jurie
until they do agree, they shall make ou
their verdict in writing, signed by them
marshal, who shall deliver the same to t
to be filed and delivered by him to the ci
their first meeting thereafter.

Shall cause grounds to be surveyed.

SECTION 34. If the jury shall have re
dict that it is necessary to take private

use, as required by said petition, the city coun-
y thereupon cause said highway, street, lane,
r public walk to be laid out or altered, if they
leem it for the interest of the city, and thereupon
ause the same to be carefully surveyed and re-
, and an order to be entered among their pro-
gs, confirming said verdict.

TION 35. The city council shall thereupon, by
der entered in their proceedings, appoint three
rested persons, freeholders of the city, commis-
, whose duty it shall be to view and examine
oposed highway, street, lane, alley, public walk
ration thereof, and ascertain and appraise the just
of the property of the individuals, necessary to
en therefor. They shall also ascertain and ap-
the necessary cost, expenses and damages for
out, opening or altering the same, and make re-
hereof, under oath, to the city council, within
ime as may be limited by said order.

Council shall appoint commissioners to view premises.

TION 36. The commissioners shall also view, as-
, assess, determine and report to the city coun-
hat property, lots and parcels of land are or will
nefited by the laying out, opening or alteration
such highway, street, lane, alley or public walk,
assess, designate, apportion and determine the
expenses and damages of laying out, taking, open-
altering of the same, on the property, lots and
s of land so benefited, in just proportion, making
list thereof, as they shall assess and apportion the

They shall determine and report benefits and damages.

TION 37. The commissioners, in all cases where
rty, lots or parts of lots shall be taken, shall assess
nefits thereof to the other parts of said property or
nd make out a list thereof, and shall strike the bal-
between the damages and benefits so assessed, and
out a list of the same and report the same to the
on council.

Shall strike balance between damages and benefits.

TION 38. The commissioners shall, immediately
their appointment, and before proceeding to
rge their duties as aforesaid, give notice
or more newspapers of the city for at least
ek of the time and place in which they will
hear any proofs or allegations of any person in-
l therein, and at the time and place so mentioned,
all meet for that purpose, and may adjourn from
time, as they may regard reasonable, but not
the time limited in the order for making their
and either of said commissioners shall have
o administer an oath to any witness offered.

Shall give notice of meeting to hear objections.

Aggrieved persons may appeal from assessment.

SECTION 39. If any witness shall c
aggrieved by such assessment or appo
may at any time within ten days after th
same, appeal therefrom, by notice in writi
council, and ask for a review and rehe
and the city council shall thereupon appo
place for such review and rehearing, at w
place they shall proceed to hear and revi
and shall hear such proofs and witnesses
fered, to be sworn by the mayor or acting
may alter or modify said assessment or a
as they shall deem just and right.

Council may enter order of confirmation.

SECTION 40. If no appeal shall be
taken, whether modified or not, the city
if they deem it just and for the intere
enter an order in their proceedings, that
confirmed.

No street to be laid out till damages are paid.

SECTION 41. No such highway, stree
public walk or alteration thereof shall
opened or made, until an order shall b
rected to the city treasurer, to pay the ow
erty which has been taken against thei
amount or balance so assessed or awa
favor.

Assessments to be a lien upon property.

SECTION 42. All sums so assessed a
shall be a lien upon property so assess
tioned, and for the payment of which s
lots or parcels of land shall be liable, a
shall be collected with, and as other taxe
in the city.

In all other cases, how lay out streets.

SECTION 43. In all other cases, the
may lay out, alter or discontinue any hi
lane, alley or public walk, wherever th
the same proper or advisable, by an ord
their proceedings, specifying and describ
provided, the same is applied for by petiti
before mentioned, and two weeks' notice
shall have been previously published in
newspapers of the city.

Definition of terms.

SECTION 44. The words, public walks,
strued to mean any public ground or squa
be regarded necessary or desirable, for
convenience of the city; and the words, a
tion, to mean any widening, extending or
of any highway, street, lane, alley or
which may be regarded useful, convenient
to make.

SECTION 45. The city council shall, within the city imits, have full power and authority over all harbors, asins, slips, wharfs, docks, piers and other places for anding, fastening and mooring boats, vessels, scows, afts, timber, lumber, merchandise or any other mate-ials or substances whatever, and also over all rivers, reeks, streams and sloughs therein, with full power and uthority to deepen, widen, dredge or otherwise im-rove such harbors, basins, slips, wharfs, docks, piers and laces of fastening and mooring boats, vessels, scows, afts, timber, lumber and merchandise, as they shall eem necessary for the business interests of the city.

Council to have full power over harbors, etc., and may improve the same.

SECTION 46. All such power and authority shall e exercised by the passage of ordinances therefor. nd no such authority shall be exercised, except upon e application of six resident freeholders of the city, xpressing in said application, with reasonable cer-inty, the ordinance desired; and no such ordinance all pass or be of any effect, unless the same shall ave been published at least two weeks, in one or more ewspapers of the city; or unless a majority of the dermen elected shall vote therefor, which vote shall by the ayes and nays, and entered in the minutes of eir proceedings.

How such power and authority to be exercised.

SECTION 47. And if such application shall require at private property shall be taken for public use gainst the consent of the owner, no such ordinance all be passed until the necessity thereof shall first e established by the verdict of a jury in the same anner as in laying out or altering highways, streets, nes, alleys or public walks.

Not to take private property till necessity is established.

SECTION 48. If the city council shall pass such or-nances, commissioners shall be appointed, with the me power, and the like proceedings shall thereupon e had, with the same force and effect in all respects as laying out or altering highways, streets, lanes or leys or public walks.

Shall proceed same as in laying out streets.

SECTION 49. The city council shall have full power nd authority, within the city limits, to drain or cause be drained, and to direct the manner of draining all arsh and wet lands therein, in such manner as they all deem necessary and advisable.

Shall direct drainage of marshes, etc.

SECTION 50. No such authority shall be exercised xcept upon the like application or petition as in ying out or altering highways, streets, lanes, alleys r public walks, and if such application requires that rivate property shall be taken for public use against e consent of the owners, not until the necessity ereof shall be first established as therein required,

Authority shall be exercised in the same way as in laying out streets.

sions in said roll, and for the purpose of e
same, may alter, add to, take from, and o
vise and correct the same, but shall not ha
increase the amount of said tax, except
of such real property as may have been on
assessor.

When corrected shall be filed with the clerk.

SECTION 59. When the assessment rol
been revised and corrected, the same shall
the clerk, and an order approving the sa
entered in the proceedings of the commo
the first Monday of August of each year, o
days thereafter; the common council sha
the amount of taxes to be levied for gene
poses, and shall, by resolution, levy the s
such resolution shall be adopted except
two-thirds of the members elect, which sh
the proceedings of the common council.

Taxes to be and remain a lien till paid.

SECTION 60. All taxes or assessments,
special, levied under this act, shall be a
lien upon the lands and tenements upon
may be assessed, and may be collected o
or occupants, and upon all personal prop
person or body politic assessed for persona
the date of the warrant for the collection t
such taxes shall be paid; and no sale o
such real or personal property shall affe
Any personal property belonging to a p
may be taken and sold for the payment of
personal or real property.

City clerk to transmit copy of roll to county clerk.

SECTION 61. Before the annual meeting
of supervisors of the county of Marathon
time required by the laws of the state for t
the assessment from the several towns, th
shall transmit a copy of the assessment roll
of the board of supervisors of said county, w
the same before said board at their annual

City to be regarded as a town.

SECTION 62. The board of supervisor
the right to regard the city of Wausau a
equalizing the assessment rolls of the seve
said county, as provided by law, but in su
tion shall consider the assessment roll as a
and shall not change the relative valua
different wards.

Shall proceed without regard to ward divisions.

SECTION 63. The said board of super
levy a tax or taxes, as now is or may here
vided by law in relation to towns, but sh
therein without regard to the divison of t
wards, and shall cause the amount of taxes
be certified to the city clerk, in the mann

by law, in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

City clerk to make out complete statement

SECTION 64. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for the state, county, city or other purposes, and all delinquent taxes, if any, of the previous year, and all special taxes levied by the common council.

Tax list shall be *prima facie* evidence.

SECTION 65. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state, that any act or thing required by law to be done, relating to assessors or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regular, correct, and as required by law.

Clerk shall make out duplicate list, and append tax warrant.

SECTION 66. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the marshal, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and said clerk shall, on or before the 25th day of December of the said year, or as soon thereafter as practicable, deliver the same to the city marshal for collection, and make a record of said delivery of the tax list aforesaid in his office.

City marshal to collect tax.

SECTION 67. The city marshal, upon receipt of said duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions, as town treasurers, except as otherwise provided in this act. The city marshal shall receive two per cent. fees upon all taxes paid to him before the first day of January, and five per cent. upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same.

Shall make out list of delinquent real and personal property.

SECTION 68. On or before the fifteenth day of February of each year, the said marshal shall make out and return to the treasurer of Marathon county, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers. The said marshal

shall also by the same time, make
liver to the city clerk a list of al
personal property tax for the same year.
treasurer shall add the same interest, pe
to such delinquent returns as allowed o
law, upon delinquent returns for the seve

County treasurer to sell delinquent lands.

SECTION 69. The county treasurer sh
linquent lands and lots returned from the
sau, at the same time and in the same
other delinquent lands are sold in said co

Exempt property subject to special taxes.

SECTION 70. All real estate exempt
by the laws of this state shall be subject
taxes for the building of sidewalks and
of streets in front of the same.

Errors of officers not to invalidate tax.

SECTION 71. All the directions hereby
assessing of lands and the levying, colle
turn of taxes and assessments, shall be
directing, and no error or informality in
ings of any of the officers entrusted with
affecting the substantial justice of the ta
vitiate or in any wise affect the validity
assessment.

Shall pay in delinquent taxes belonging to city to treasurer.

SECTION 72. It shall be the duty
treasurer of the county of Marathon, an
required, where lots, tracts, pieces or p
have been returned by said city treasurer
for any general tax of this state, or for an
ized under this act, immediately after th
delinquent lots, tracts, pieces or parcels of
to pay said city treasurer the amount
have been returned delinquent belonging
either in cash or certificates of sale of sa
pieces or parcels of land so returned as

May guard against fires.

SECTION 73. The common council, w
engineer, for the purpose of guarding aga
ity of fire, shall have power to enact all
laws for the organization, maintenance an
of fire companies in said city, and ma
laws, enact such regulations as the ma
board may deem expedient for the safety
erty of the citizens of said city from acci
by fire.

All work to be let by contract.

SECTION 74. All work for the city o
thereof shall be let by contract to the l
sible bidder, at the option of the council,
tice shall be given of the time and place
contracts.

SECTION 75. All actions brought to recover any alty or forfeiture under this act, or the ordinances, laws, police or health regulations, made in pursu- e thereof, shall be brought in the corporate name of city. It shall be lawful to declare generally in debt such penalty or forfeiture, stating the clause of this or by-laws or ordinance under which the penalty orfeiture is claimed, and to give the special matter vidence under it. All prosecutions may be com- nced by summons or by warrant, as the exigencies he case may seem to require: *provided*, that noth- herein contained shall be so construed as to prevent peace officer from arresting without process any on found in a state of intoxication, or guilty of oderate drinking, improper reveling, obscenity, or y, boisterous or disorderly conduct in the streets or lic places, and taking such person or persons forth- before the police justice, or keeping them in con- nent until such time as said justice can reasonably and dispose of such offenders.

How actions to be brought to recover penalties, etc.

Peace officer may arrest without process

SECTION 76. Executions shall issue forthwith on endition of judgment, unless the same be stayed opealed according to the laws of this state. The ution, except in cases *ex contractu*, shall require defendants in any such action, in case no goods or tels, lands or tenements whereof the judgment can found, to be imprisoned in the jail of Marathon ty, for a term not exceeding three months, in the etion of the justice or judge rendering judgment, ss the same be sooner paid or discharged by the mon council.

The issue and service of executions.

SECTION 77. No person shall be an incompetent e, justice, witness or juror by reason of his being habitant of said city, in any proceeding or action hich the city shall be a party in interest.

Not to make incompent.

SECTION 78. If any election by the people or com- council shall not, for any cause, be held at the or in the manner herein prescribed, or if the com- council shall fail to organize as herein provided, it ll not be considered reason for arresting, suspending olving said corporation; but such election or organ- n may be had on any subsequent day, by order of ayor; and if any of the duties enjoined by this the ordinances or by-laws of the city, to be done y officer at any time specified, and the same are ne and performed, the common council may ap- another time at which said acts may be done or med.

Failure of election not to dissolve corporation.

How serve process against city.

SECTION 79. Whenever any suit or s
commenced against said city, the service
be made by leaving a copy of the process w
and it shall be the duty of the mayor fo
form the common council thereof, or tak
proceedings as the ordinances or resolu
council may provide.

May hold property.

SECTION 80. Said city may lease, pu
real or personal property for the conve
inhabitants thereof, and may sell and con
and the same shall be free from taxation.

How taxes in Maine to be levied.

SECTION 81. All taxes apportioned,
sessed in or against the town of Maine p
passage of this act, shall in all respects b
the same manner as though this act h
passed, and to carry out this provision,
the said town and of the county of M
have the same rights, powers and duties a
act were not passed.

Town business and funds transferred.

SECTION 82. The town business of
town of Maine, up to the time of the t
this act, shall be settled by the city of W
stituted by this act, and the amount of
ing, or the indebtedness of the town, sh
tioned between the town of Maine (acc
amount of taxable property in the part
now taken for the city of Wausau) an
Wausau.

Shall be represented in county board.

SECTION 83. The city of Wausau s
sented in the board of supervisors of
Marathon by one supervisor from each w

No salary to mayor or aldermen.

SECTON 84. No compensation or sa
paid out of the city treasury to the may
derman of the city for his services, and th
prohibited from being in any manner int
contract made by the authority of said c

Regulations for the issuing of licenses.

SECTION 85. Every license issued by
of this act, or the ordinance of the city, s
by the city clerk, and sealed by the cor
but no such license shall be issued by sa
the person applying for the same shall ha
with the clerk the receipt of the city trea
amount required to be paid therefor;
license be issued for dealing in, selling or
ituous, vinous or malt liquors, until the sa
been authorized by the common council,
cant shall have filed his receipt as afore
with a bond, as required by the ordinanc
and the sum fixed to be paid for any such

e paid to the city treasurer in money for the use of
ne city. Every such license shall contain a clause
rohibiting the selling, vending or giving away of any
pirituous or malt liquors on general or special elec-
on days.

SECTION 86. Every person having such license, who
hall vend, sell or give away any spirituous, vinous or
alt liquors on any election day, shall be liable to
rosecution under this act or the ordinances of the city,
r may be indicted or informed against in the circuit
ourt of Marathon county, and upon conviction thereof
ay such offender shall forfeit and pay a sum not ex-
eding two hundred dollars, nor less than fifty dollars,
be imprisoned in the jail of Marathon county not
ore than thirty days, nor less than ten days, at the
sciction of the court, and the license held by such
rson shall be forfeited and void.

Penalty for selling liquors on election days.

SECTION 87. No suit or proceeding shall be com-
enced or prosecuted to recover title or possession of
y lot, piece or parcel of land situated within the
nits of the city of Wausau, held or claimed by
rtue of any deed purporting upon its face to be
ecuted upon account of any sale for taxes or assess-
ents levied afier the passage of this act, until the
rson commencing such proceedings shall have de-
sited with the court in which such proceeding is or
all be commenced, for the use of the holder or claim-
t under such deed, an amount of money equal to the
ount of taxes, costs and charges paid in procuring
ch deed, and all subsequent taxes, costs and charges
on the lot or land described in such deed, and paid
such holder or claimant, together with twenty-five
r cent. interest thereon from the time of such pay-
ent to the commencement of such suit or proceeding,
d in the event that such deed shall be defeated or
peached on the trial of such cause, the money so
posited shall be awarded to the holder or claimant
der such deed, except in cases where the taxes were
id before the sale, or the lands redeemed according
law. In the trial of every such cause on the part of
e defendant, such deed shall be first read in evidence
the jury, and shall be evidence to the jury, and shall
evidence in such suit or proceeding to the extent
ecified and provided in section one hundred and nine,
apter fifteen, title five of the revised statutes.

How suits to recover property sold for taxes to be commenced and conducted.

Deed shall be read in evidence.

SECTION 88. The use of the jail of Marathon coun-
, until otherwise provided, shall be granted to said
y for the confinement of offenders, and every such
ender shall be delivered to the sheriff of said county,

Shall have use of county jail.

for whose custody, safe keeping and del
sheriff shall be responsible as in other cas

Private property not liable for city debt.

SECTION 89. No real or personal pro
inhabitant of said city, or any individual
shall be levied upon or sold by virtue of
issued to satisfy or collect any debt, obli
tract of said city. The same provisions o
apply to towns in regard to paupers shall
city.

Dissolution of connection between town and city, and transfer of duties.

SECTION 90. From and after the s
April, A. D. 1873, the connection betwe
Maine and that part of said town includ
city limits, for all town purposes, shall
The duties now and hereafter imposed o
and other town officers and village offi
they relate to the city of Wausau, shall
by the aldermen of the several wards a
officers of said city. All that part of
Maine, not included within the city lim
stitute the town of Maine, and the first
shall be held at such place as the ch
board of supervisors of said town shall a

Public act.

SECTION 91. This act shall be consid
one, and shall be construed favorably in
places.

SECTION 92. This act shall take eff
force from and after its passage.

Approved March 18, 1873.

CHAPTER 233.

[*Published M*

AN ACT to fix the terms of court in Winneb

*The people of the state of Wisconsin, repres
and assembly, do enact as follows:*

Terms of the circuit court fixed.

SECTION 1. The general terms of th
for Winnebago county shall hereafter b
lows: On the Tuesday next after the se
of April, and on the Tuesday next aft
Monday of November in each year.

Repealed.

SECTION 2. All acts and parts of ac
passed fixing the time for holding term
Winnebago county at any other time th
tained are hereby repealed.

SECTION 3. This act shall go into effect and be in rce from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 234.

[*Published March* 27, 1873.]

I ACT to provide for annexing and excluding territory to and rom cities, towns and villages, and to unite cities, towns and illages.

he people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any incorporated city, village or town y be annexed to another incorporated city, village town, by ordinance passed by a two-thirds vote of the aldermen or trustees elect of each corporation iring annexation: *provided*, such annexation shall affect or impair any rights or liabilities, either in or of or against such corporations; and suits founded on such rights and liabilities may be com menced, l pending suits may be prosecuted and carried to al judgment and execution the same as if such anxation had not taken place. In making such annexon, the corporations so uniting may, by ordinance, the terms of the annexation, which shall have the ce and effect of a binding contract: *provided, how-*, that no such ordinance shall be of any binding ce or effect until submitted to a vote of the legal ers of such city, town or village, at a charter election reof, and adopted by a majority of all the voters ing thereon at such election, notice of which shall given at the same time and in the same manner as uired for the election of the officers of such city, n or village; *and provided, also*, that the vote shall by ballot, which shall be "for union ordinance," or gainst union ordinance," and shall be received, canssed and returned the same as ballots for municipal cers of such city, town or village: *provided*, that the mber voting in favor of such proposition shall be al to a majority of all the votes cast at the last ceding general election.

May annex or exclude territory by a two-thirds vote of the council.

Ordinance to be submitted to vote of people.

Form of ballot.

SECTION 2. This act shall take effect and be in ce from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 235.

[*Published*

AN ACT to amend chapter four of chapter c thirty of the general laws of 1868, as ame one hundred and forty-four of the general titled "an act to provide for the assessme taxation, and the levy of taxes thereon."

The people of the state of Wisconsin, re ate and assembly, do enact as follows:

Amended—who shall constitute state board of assessment.

SECTION 1. Section four of chapte and thirty of the general laws of 1868, chapter one hundred and forty-four of t of 1870, entitled "an act to provide ment of property for taxation, and the thereon," is hereby amended so as to Section 4. The secretary of state, stat attorney general shall constitute a state ment; said board shall meet at the cap of Madison, on the third Wednesday year 1874, and biennially thereafter.

Secretary of state to prepare statistics.

state shall prepare and lay before said b statistics of population, local valuatio and such other statistical information able to obtain in relation to the several state, as in his judgment will assist sai

Board to make out valuation by counties.

deliberations. The board shall carefull statistics, and from all the sources of cessible to them, they shall determine relative value of all property subject each county of the state. They shall list of all the counties aforesaid, oppos of each county, the valuation thereof, by them, which shall be the full valu their best judgment. The list so pre certified by the chairman and secretary as the state assessment made by said b with the journal of the proceedings of t secretary of state.

SECTION 2. This act shall take ef force from and after its passage and pub

Approved March 18, 1873.

SECTION 3. This act shall go into effect and be in ›rce from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 234.

[*Published March* 27, 1873.]

N ACT to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages.

'he *people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Any incorporated city, village or town ıay be annexed to another incorporated city, village r town, by ordinance passed by a two-thirds vote of ll the aldermen or trustees elect of each corporation esiring annexation: *provided*, such annexation shall ıot affect or impair any rights or liabilities, either in ıvor of or against such corporations; and suits founded ıpon such rights and liabilities may be com menced, nd pending suits may be prosecuted and carried to nal judgment and execution the same as if such anexation had not taken place. In making such annextion, the corporations so uniting may, by ordinance, x the terms of the annexation, which shall have the ›rce and effect of a binding contract; *provided, howver*, that no such ordinance shall be of any binding ›rce or effect until submitted to a vote of the legal oters of such city, town or village, at a charter election nereof, and adopted by a majority of all the voters oting thereon at such election, notice of which shall e given at the same time and in the same manner as equired for the election of the officers of such city, ›wn or village; *and provided, also*, that the vote shall e by ballot, which shall be "for union ordinance," or against union ordinance," and shall be received, canassed and returned the same as ballots for municipal fficers of such city, town or village: *provided*, that the umber voting in favor of such proposition shall be qual to a majority of all the votes cast at the last receding general election.

May annex or exclude territory by a two-thirds vote of the council.

Ordinance to be submitted to vote of people.

Form of ballot.

SECTION 2. This act shall take effect and be in ›rce from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 237.

[*Published*

AN ACT to amend an act to incorporate the
Point, approved March 16th, 1861, and also a
thereof.

*The people of the state of Wisconsin, repr
and assembly, do enact as follows:*

Revised and amended.

SECTION 1. The act to incorporate t
eral Point, approved March 16th, 186
amendatory thereof, are hereby revised
as to read as follows, to-wit:

CHAPTER I.

CITY AND WARD BOUNDAR

Shall constitute a city.

SECTION 1. All that district of count
of Iowa hereinafter described, from an
sage and publication hereof, shall be a
city by the name of Mineral Point, and
inhabiting, and those who shall inhab

Name and powers.

shall be a municipal corporation by the
eral Point, and shall have the general p
by municipal corporations by the nam
Mineral Point, and shall have the gene
sessed by municipal corporations at co
in addition thereto shall have and pos
hereinafter specially granted, and the au
shall have perpetual succession, and sha
contracting and being contracted with, o
sued, pleading and being impleaded in
and equity, and shall have a common
change and alter the same at pleasure.

City boundaries

SECTION 2. The territory included w
ing described limits and boundaries sha
city of Mineral Point, to-wit: All of
thirty-one (31), and the west half of
thirty-two (32), in township number
three (3) east, also the north half of sec
(6), in township number four (4) north,
ber three (3) east, also the northeast qu
number one (1), in township number fo
range two (2) east, and the east half of
thirty-six (36), in township number fiv
range two (2) east of the fourth princip

TION 3. The said city shall be divided into two as follows: All that part lying on the west side snut street, extending north in a direct line, and west of the west line of Bracken and Irvin's addi- hall constitute the first ward, and all that part on the east side of said street and line shall con- the second ward.

Division into wards.

TION 4. The corporate authority of said city be vested in one principal officer, styled the , in one board of aldermen, consisting of three ers from each ward, who with the mayor shall be inated the common council, together with such officers as are hereinafter mentioned, or may be d under this act.

The corporate authority.

CHAPTER II.

ELECTIONS.

TION 1. From and after the first Tuesday in next, the elective officers of the city of Mineral shall be a municipal judge, a school superin- nt, a treasurer, and an assessor, for the city at and three aldermen, one supervisor, one jus- the peace, and one constable in each ward, who hold their respective offices as follows: the mu- l judge, school superintendent, treasurer, super- assessor, and constable, for one year; justices of ace, for two years; and one alderman in each shall be annually elected, who shall hold his of- r three years; and respectively hold their offices their successors are elected and qualified, except es differently provided for in the eighth section of hapter. The term of office of all officers shall ence on the second Tuesday of April of the year ich they are elected. Said officers shall have power and perform such duties as are prescribed or as may be prescribed by any ordinance, rule, resolution or by-law of said city now or hereaf- force: *provided*, that the present officers of said all serve out the respective terms for which they een elected, and that only one alderman for each hall be elected each year as heretofore.

Elective officers of the city.

The term of office.

Shall serve out their terms.

TION 2. On the first Tuesday of April next, the d voters of said city shall elect a municipal judge, ol superintendent, a treasurer and an assessor, aid officers shall be persons entitled to vote and t in said city, and on the same day, and at the laces of holding said election, the said qualified

The election of city and ward officers.

voters shall also elect one alderman, one sup
justice of the peace and one constable for
the officers last aforesaid shall be persons
vote, and resident of the respective wards
they are elected. The common council of
Mineral Point shall designate the place of
election, and of all general, annual or spec
in each ward, and the said elections shall b
as is now or hereafter may be provided by
conduct of general, annual or special electi
so far as such laws may be altered or modi
and at every subsequent first Tuesday in
tions shall be held in the several wards fo
above designated, and said elections shall
over by the aldermen in the respective
case of their absence or disability, the vo
at the hour of opening the polls, shall elect
sufficient number of inspectors to make thr
alderman or aldermen present, who shall
accordance with the laws of the state.
spectors shall then appoint and swear two
shall see the names of the voters register
ballots safely deposited in the ballot box;
all questions that may arise as to the leg
votes presented; shall, with the clerks, coun
at the close of the poll, and shall certify a
returns, and the day following the election,
one of the returns to the clerk of the city a
to the county clerk of the county of Iowa.
cipal judge and such members of the com
as shall hold over, shall constitute a board
ers, who shall, within five days after said el
at the common council room, and canvass s
and after the aforesaid returns have been c
said board, the city clerk shall, by a notice
him, notify the persons elected of their ele
respective offices. The polls shall be kept
respective wards from nine o'clock in the f
til five o'clock in the afternoon: *provided, h*
the board may adjourn the polls at twe
noon, for one hour.

Council to designate place of holding elections.

Who to be inspectors.

Clerks to be sworn—their duties.

Who shall constitute board of canvassers.

When polls to be open.

SECTION 3. In the event of a vacancy
of municipal judge, justice of the peace,
supervisor, by death, removal from the ci
or other disability, or by resignations, th
council shall order a special election t
vacancy, and shall give five days' notice
posting up said notice in two or more publi
each ward of said city. Any vacancy in

Special elections to fill vacancies.

ices shall be filled by the common council. The rson elected or appointed to fill a vacancy shall hold office and discharge the duties thereof for the unpired term, with the same rights and subject to the me liabilities as the person whose office he may be cted or appointed to fill.

Filled by appointment.

SECTION 4. All elections by the people shall be by lot, and plurality of votes shall constitute an election. All elections or appointments by the common ncil may be *viva voce* or by ballot, as the council y choose, except when the manner is prescribed reby. When two or more candidates for an elective ce shall receive an equal number of votes for the e office, the election shall be determined by the ting of lots in the presence of the common council, uch time and in such manner as they may direct.

How vote to be taken and determined.

SECTION 5. All persons entitled to vote for state county officers, and who shall be actual residents be ward where they offer to vote, shall be entitled ote for any officer to be elected under this law, and old any office created by this act.

Qualifications of voters.

SECTION 6. If either of the inspectors of election or rmen suspect that any person offering to vote does possess the necessary qualifications of an elector, f such vote shall be challenged by an elector, the pector or aldermen, before receiving any such vote, ll require the voter offering to vote to take the following oath: "You do solemnly swear, or affirm, (as case may be), that you are twenty-one years of age, you are a citizen of the United States, or have deed your intention to become a citizen conformably the laws of the United States on the subject of naturlization; that you are now an actual resident of this d, that you have not voted at this election, and that have not made any bet or wager, or become dily or indirectly interested in any bet or wager deding upon the result of this election." And if the on offering to vote shall take such oath, his vote be received. And if such person shall take such falsely, he shall be deemed guilty of wilful and ipt perjury, and upon conviction thereof upon inent, shall suffer the punishment provided by law ersons guilty of perjury. If any person who is qualified voter shall vote at any election, or if person duly qualified shall vote in any other ward the one in which he resides, or shall vote more once at any one election, he shall be liable to inent, and on conviction thereof, shall forfeit and sum not exceeding one hundred dollars nor less

The challenge of votes.

The form of oath.

Penalty for taking false oath.

For illegal voting.

Shall keep list of challenged voters.

Penalty for malfeasance of inspectors and clerks.

than twenty-five dollars. It shall be the inspectors to keep a list of the names o whose vote may be challenged as afores shall swear in their votes. And if any in dermen shall knowingly or corrutply recei any person not authorized to vote, or sh false returns of any election, or any cle write down the name of every voter as he wilfully make untrue and incorrect accou of votes, each and every inspector or cler able to indictment, and on conviction the verally forfeit and pay a sum not exceedi dred dollars nor less than one hundred such indictments shall be tried in the cir the county of Iowa.

How special elections to be held.

SECTION 7. Special elections to fill va any other purpose shall be held and cond aldermen of each ward, or inspectors, as this act, and returns thereof shall be made time, form and manner as of general or tions.

Removal from city or ward to vacate office.

SECTION 8. Any officer removing fr and any ward officer removing from the w he was elected, and any officer who shall fuse to qualify on or before the first Mon next after his election, or who shall ha shall be deemed to have vacated his o common council shall proceed to fill suc herein provided. All officers elected or fill any vacancy, shall qualify and then en duties of such office immediately after rec of such election or appointment.

Failure of elections not to suspend corporation.

SECTION 9. If any election by the pe mon council shall not, for any cause, be time or in the manner herein prescribed, be considered reason for arresting, suspend ishing said corporation; but such election on any subsequent day by order of the m any of the duties enjoined by this act or th rules, orders, resolutions or by-laws of th done by any officer at any time specified, and performed, the common council may, it of benefit to the residents of said city point another time at which said acts may performed.

CHAPTER III.

. OFFICERS—THEIR POWERS AND DUTIES.

All city officers to take oath.

TION 1. Every person elected or appointed to fice, or elected or appointed to fill any vacancy this act, shall, before he enters upon the duties office, take and subscribe an oath of office and e same, duly certified by the officer taking the with the city clerk, unless otherwise herein pre-

Certain officers to execute bond

l, and the city treasurer, constables, justices of ace and such other officers as the common coun- y direct, shall severally, before they enter upon ties of their respective offices, execute to the city neral Point a bond, in such sum and with such y and conditions as the common council may di- and the common council may, from time to time, it deems the interests of the city or its people e promoted or secured thereby, require new or onal bonds, and with the same discretion, and in me interests, remove from office any officer re- or neglecting to give the same.

The municipal court and judge thereof—his powers and jurisdiction.

TION 2. There is hereby created and established unicipal court" in said city, to be known and by that name. The municipal judge shall be the of said court, and have and possess all the pow- a justice of the peace of the county; the said shall have jurisdiction throughout the county of il actions of which a justice of the peace by law r may have jurisdiction, and exclusive jurisdic- f all criminal causes and matters of which a jus- the peace has jurisdiction, when the cause shall ate within the limits of the city, and also exclu- risdiction of all causes growing out of the vio- of the charter or of any ordinance, rule, order, on or by-law of said city, and of all such cases the city is a party as are within the jurisdic- justice of the peace: *provided*, that any justice peace in said city shall have jurisdiction of all es aforesaid, in case of absence, sickness or r inability of said municipal judge, or in case of a es to act in any such cause, or in case the in such office, until the same is filled; his t in writing by the municipal judge, over to gnature, on the complaint, that he declines in d cause, shall give any justice of the peace jurisdiction of such cause. In all suits or prose- here the cause thereof originates within the limi- city, and the bringing and prosecution thereof

When justice of the peace may act as municipal judge.

The city entitled to all fines, etc.

is provided for by the charter or ordinances
resolutions or by-laws of said city, the ci
titled to and receive all moneys, fines and
posed therein. The said municipal judg
titled to receive for his services, the same
in fees as is allowed by law to justices of
similar services and no other, but the city
liable to said municipal judge for his sai
such as shall accrue in prosecutions for
of the city charter or ordinances, rules, o
tions or by-laws of the city. Appeals
from the judgment of said municipal
same manner, for the same cause, and
causes in which appeals may be taken fr
ment of justices of the peace to the circu
shall, in the appellate court, be tried in t
ner and be subject to the same rules
The municipal judge and the justices
shall, quarterly, report to the common co
all proceedings instituted before them in
city, and the disposition thereof, and shal
time, pay over to the treasurer the amou
alties and fines collected which may by
the city.

Compensation of the municipal judge.

Appeals may be taken to the circuit court.

Shall make quarterly report of the proceedings.

The judge shall be *ex officio* mayor—his general powers and duties.

SECTION 3. The municipal judge sha
mayor, and when presiding over the co
or officially acting in behalf of the city,
name, when necessary as mayor, and sh
mayor of said city, and shall, when pr
over the meetings of the common cou
take care that the laws of the state and
ordinances, rules, orders, resolutions an
the city, within the corporation, are duly
observed, and that all officers of the c
their respective duties. He shall appoi
force, in such numbers as the common
direct, and in case of a riot, or distur
peace, or in case there is danger of eith
may, in his discretion, appoint temporary
shall communicate in writing to the com
once a year, such information as he may
sary, and at all times give such inform
common council may require, in regard
which may be within his knowledge or c

The president of the council—his general powers and duties.

SECTION 4. At the first annual me
common council, after the annual electi
thereafter as may be, they shall proce
ballot, one of their number president, an
sence of the mayor, the said president

e meetings of the common council, and during
ence of the mayor from the city, or his inabil-
n any cause, to discharge the duties of his office,
sident shall execute all the powers and dis-
all the duties of mayor. In case the mayor and
sident shall be absent from any meeting of the
n council, they shall proceed to elect a tempo-
esiding officer, and who for the time being, shall
ge the duties of mayor. The president, or tem-
presiding officer, while presiding over the coun-
performing the duties of mayor, shall be styled
; mayor," and acts peformed by them shall have
ne force and validity as if performed by the

How styled.

ION 5. At the first meeting of the common
after the annual election, or as soon thereafter
be, they shall proceed to elect a city clerk by
who shall be a person entitled to vote, and resi-
said city, and who shall, before he enters upon
ies of his office, take and subscribe the usual
office, which oath and bond of said clerk, if
given, shall be filed with and remain in the cus-
f the mayor and his successors in office; the
n council may, in its discretion, when for the
of the residents of the city, at any time require
d clerk to execute a bond to the city of Mineral
in such sum, with such security (to be approved
common council), and such conditions as the
uncil may direct; when so qualified, the said
hall keep the corporate seal and all the papers
cords of the city; he shall attend the meetings
ep a record of the proceedings of the common
; the records of the common council kept by
ll be evidence in all legal proceedings, and
f all papers filed in his office, and transcripts
record, certified by him under the corporate
l be evidence in all courts in like manner as
ginals were produced; he shall keep a full and
account of all orders drawn on the city treas-
book provided for that purpose, and shall also
ccurate account with the treasurer, and shall
n with all tax lists delivered to him for col-
d all sums of money paid into the treasury,
discharge and perform such other acts and
may at any time be imposed upon him by the
council, or by any law of this state; when
so elected shall neglect or refuse to qualify or
office, or shall be absent from any meeting, the
ouncil may, if it so choose, appoint a clerk

The election of city clerk—shall take oath and execute bond.

His general powers and duties.

Clerk pro tem.

pro tempore, who shall, for the time be
and perform all the duties of the city c
clerk *pro tempore* shall not be required to
of office or give any bond. The commo
also, in its discretion, from time to time,
a person possessing the qualifications a
qualify as above provided, city clerk, to
unexpired term of such person as may
fuse to qualify or accept said office. T
shall have power and authority to admin
affirmations, and shall in all things do a
acts and duties which town clerks are c
thorized or required to do and perform
this state, and be subject to the same pe
so far as it may be otherwise provided b
or the ordinances, rules, orders, resolutio
of the city.

May elect to fill unexpired term.

Clerk shall make annual statement of moneys received and orders drawn.

SECTION 6. On or before the last Mo
in each year, the city clerk shall make o
showing the amount of money received
ury during the year ending upon that d
source such moneys were derived, and al
of orders drawn on the treasurer, and for
the same were issued; and also show
amount of the indebtedness of the city
ment shall be published as soon thereaft
in the newspaper in which the ordinance
of said city are published.

The general duties of the city treasurer.

SECTION 7. The treasurer shall recei
belonging to the city, and keep an acc
tailed account thereof, together with an
disbursements, in such manner as the co
shall direct. He shall report to the co
as often as required, and annually, at le
before the annual election, a full and de
of all receipts and expenditures after th
last annual report, and also of the stat
ury, which statement shall be filed with
shall in all things do and perform all ac
which town treasurers are or may be aut
quired to do and perform by the laws of
be subject to the same penalties, except s
be otherwise provided by this charter
nances, rules, orders, resolutions or by-la

Duties, powers and jurisdiction of justices and constables.

SECTION 8. The justices of the peace
elected in said city shall have and poss
jurisdiction and powers as justices of the
stables in the county, together with the ad
diction and powers conferred by this char

ment thereof, and in all things or actions in the city is a party, shall be governed and guided charter, the ordinances, rules, orders, resolutions -laws which are or may be passed or adopted by mmon council and by the laws of the state.

TION 9. The laws of this state for the relief and t of the poor in towns shall apply to said city, e mayor shall have the oversight and care of all ersons in the city, and it shall be his duty to see ey are properly relieved and taken care of ac- g to law, and the rules and instructions of the superintendent of the poor.

Support of the poor.

TION 10. The city of Mineral Point shall be ented in the board of supervisors of the county a by the supervisors elected as above provided, all perform and fulfill such duties in regard there- re now or may hereafter be prescribed by law.

Representation in the county board.

TION 11. All officers of said city shall, when arter or ordinances, rules or resolutions or by- assed in pursuance thereof provide for, or define luties, be first governed and be guided thereby, hich, in respect to all duties not so provided for, hall be guided and governed by the laws of the pplicable to similar or corresponding offices in wns of said county of Iowa.

How duties of city officers defined and how they are to be governed.

TION 12. The common council shall have power ime to time to require other and further duties med by any officer whose duties are herein pre- l, and to appoint such other officers as may be ary to carry into effect the provisions of this act, prescribe their duties, and to fix the compensa- all officers, elected or appointed by them; and mpensation shall be fixed by resolution at the e office is created, or at the commencement of , and shall not be increased or diminished dur- term such officer shall remain in office.

Council may require other and further duties and fix compensation.

ON 13. At the first meeting of the common fter the annual election or as soon thereafter e, the common council shall provide that all authorized and required by them to be done use or for the city, shall be let by contract to t bidder for the term of one year, but no bid- hall be considered unless made by the publishers a newspaper printed and published in the city l Point, unless the bids of such publishers as igher than the rates of legal advertising, bid- aw, or unless such publishers shall fail to bid, ases as last mentioned, the common council ract with the publisher of some other news-

Shall let the public printing to the lowest bidder.

paper in the county if they can, to do t
ing for said year, and such newspaper
city printing by authority of the commo
be the official city paper. All ordinan
proceedings required by this act, or by
ordinances, rules, orders or resolutions
council, to be published, shall be publish
paper selected under the provisions of th
the printer of said newspaper shall, eith
by his foreman, file with the clerk of
their affidavit of the length of time said
tice, rule, order, resolution or by-law
lished; such affidavit shall be conclusiv
the publication of such ordinance, noti
resolution or by-law, according to law.

Ordinances, etc., to be published in the official paper.

Delivery of books, papers, etc., to successor in office.

SECTION 14. If any person, having b
in said city, shall not, within ten days af
and request, deliver to his successor in
erty, moneys, books, papers and effects
scription in his possession, belonging to
taining to the office he may have held, h
and pay to the use of the city, one hund
sides all damages caused by his neglect
deliver; and such successor may recover
of such books, papers and effects in th
scribed by the laws of this state.

Peace officers and their duties.

SECTION 15. The mayor, sheriff of
each and every alderman, justice of the
ble and policeman shall be officers of
suppress in a summary manner all rio
derly behavior in the limits of the city;
purpose may command the assistance of
and if need be, of all citizens and milit
If any person, bystander, military offic
shall refuse [to aid] in maintaining the p
required; every such person shall forfeit
of fifty dollars; and in case where th
may be required to suppress riots or dis
ior, the superior or senior officer present
mentioned in this section shall direct the

Appointment of street commissioner—his bond.

SECTION 16. It shall be the duty o
council, at its first meeting after the ann
as soon thereafter as may be, to elect by
commissioner, who shall give a bond
Mineral Point, to be approved by the co
conditioned for the faithful discharge of
that he will promptly pay over and a
sums of money that may come into his
officer, in such amount as the common c

ict, and who shall have power, and whose duty it all be to [require every] resident of the city, liable work on the highways by the laws of this state, to erform one day's labor each year on the streets in the ard in which he resides, or shall in lieu thereof pay e sum of one dollar; and in case any person shall eglect or refuse to perform such labor, at such time d place as such commissioner shall direct, such per- n shall not thereafter be permitted to work the same, t shall pay said one dollar; if any such person, after ing called upon by said commissioner to pay the me, shall neglect or refuse to do so for the space of e days, said person or persons, on the complaint of d commissioner, shall, upon conviction thereof, be nished therefor as is provided by the ordinance of id city, entitled "an ordinance to enforce the collec- on of road taxes," passed June 2, 1858; all moneys collected shall be expended in improving or repair- g the streets of said city by such commissioner, and e said commissioner may at any time be removed om office by the common council of said city, and an- ther commissioner appointed in his stead: *provided*, at no member of the common council shall be per- itted to hold the office or perform any of the duties the street commissioner, except under the direction the common council; to advise and consult with id commissioner as to repairing and improving the reets and public grounds of said city. The compen- ation of the street commissioner shall be fixed by the ommon council at the time of his election, and the ame shall be paid out of the street taxes.

His powers and duties.

No member of the council to be street commissioner.

CHAPTER IV.

THE COMMON COUNCIL, ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall consti- ute the common council, and the style of all ordi- nances shall be, "the common council of the city of Mineral Point do ordain as follows:" the common coun- il shall meet at such time and place as they by resolu- ion shall direct. A majority of the aldermen shall onstitute a quorum.

The common council—the style of ordinances.

SECTION 2. The common council shall hold regu- ar meetings, at such times as they may fix, and the nayor may call special meetings by verbal notice to ach of the members, or by written notice; said notice nay be given or served by any constable of the city,

Their regular and special meetings.

under direction of the mayor, personall
the same at their usual place of abode.
council shall determine the rule of it
ings, and be the judge of the election a
of its own members, and have power t
tendance of absent members.

Their general and specific powers.

SECTION 3. The common council
control and management of the finance
property of the city, and shall likewise,
powers herein vested in them, have full
enact, ordain, establish, publish, enforc
amend and repeal all such ordinance
resolutions and by-laws for the gover
order of the city, for the suppression
morality, for the prevention of crim
benefit of trade, commerce and healt
deem expedient, declaring and imposin
to enforce the same against any person
may violate any of the provisions of
rule, order, resolution or by-law, by
the common jail of said city or of
otherwise; and such ordinances, rules
tions and by-laws are hereby declared
the force of law, and for these and the
poses, the common council shall have a
nances, rules, orders, resolutions or by-

License shows.

1st. To license and regulate peddl
tion of common showmen or shows of
exhibition of concerts, caravans, circus
performances, billiard tables and bowl

Abate nuisances and grant licenses for the sale of liquors, etc.

provide for the abatement and removal
under the ordinances or at common la
licenses to keep groceries, saloons, sho
any name whatever, within the limits
the sale of strong, spirituous, ardent, in
ous or fermented liquors, to be drank
in quantities less than one gallon, or t
to keep similar places for the sale of s
to be drank within their houses or on
to regulate groceries, taverns, victualin
persons vending or dealing in spiritu
toxicating, vinous or fermented liqours

Shall fix amount of licenses.

the same for a violation thereof; an
council shall, at its first meeting after
tion, or as soon thereafter as may be, fix
paid for such licenses, which sums shall
the amount fixed and provided therefor
this state, and the minimum sum fixed b
to be paid for such licenses shall be pa

by the city treasurer, to the treasurer of Iowa county. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed by the corporate seal, and shall expire at the time now or hereafter fixed for the expiration of licenses by the laws of this state; all such licenses issued during the year shall be charged for *pro rata* for the unexpired time, and shall contain a proviso that no person thus licensed shall sell or give away any strong, spirituous, ardent, intoxicating, vinous or fermented liquors on Sunday, or on general, annual or special election days, and that the same shall be revokable at the pleasure of the common council; *and provided further*, that no such license shall be issued until the sum fixed therefor shall be paid, and the bond given as required by the laws of this state, and said bond shall be approved by either the mayor or common council.

How license to be executed.

Sale prohibited on Sundays and election days.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city; and to restrain any person from vending, giving or dealing in spirituous, ardent, intoxicating, vinous or fermented liquors, unless duly licensed by the common council.

Restrain gaming and sale of liquors without license.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming.

Prevent riots, etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Compel the cleansing of nauseous places.

5th. To direct the location and management of slaughter or packing houses and markets, and to prevent the erection, use or occupation of the same where the offal or filth therefrom shall discharge into streams of water, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible material.

Direct location of slaughter houses, etc.

6th. To prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever.

Prevent incumbering of streets.

under direction of the mayor, personall
the same at their usual place of abode.
council shall determine the rule of its
ings, and be the judge of the election an
of its own members, and have power to
tendance of absent members.

Their general and specific powers.

SECTION 3. The common council
control and management of the finances
property of the city, and shall likewise,
powers herein vested in them, have full
enact, ordain, establish, publish, enforce
amend and repeal all such ordinances
resolutions and by-laws for the govern
order of the city, for the suppression o
morality, for the prevention of crim
benefit of trade, commerce and health
deem expedient, declaring and impos
to enforce the same against any person
may violate any of the provisions of
rule, order, resolution or by-law, by c
the common jail of said city or of I
otherwise; and such ordinances, rules,
tions and by-laws are hereby declared t
the force of law, and for these and the
poses, the common council shall have au
nances, rules, orders, resolutions or by-l

License shows.

1st. To license and regulate peddli
tion of common showmen or shows of
exhibition of concerts, caravans, circus
performances, billiard tables and bowl

Abate nuisances and grant licenses for the sale of liquors, etc.

provide for the abatement and removal c
under the ordinances or at common lav
licenses to keep groceries, saloons, shop
any name whatever, within the limits c
the sale of strong, spirituous, ardent, in
ous or fermented liquors, to be drank c
in quantities less than one gallon, or to
to keep similar places for the sale of su
to be drank within their houses or on
to regulate groceries, taverns, victualing
persons vending or dealing in spiritu
toxicating, vinous or fermented liquors,

Shall fix amount of licenses.

the same for a violation thereof; and
council shall, at its first meeting after t
tion, or as soon thereafter as may be, fix
paid for such licenses, which sums shall
the amount fixed and provided therefor
this state, and the minimum sum fixed b
to be paid for such licenses shall be pa

city treasurer, to the treasurer of Iowa county. license issued by the authority of this act, or linances of the city, shall be signed by the city nd sealed by the corporate seal, and shall ex- the time now or hereafter fixed for the expira- licenses by the laws of this state; all such li- issued during the year shall be charged for *pro* r the unexpired time, and shall contain a proviso person thus licensed shall sell or give away any spirituous, ardent, intoxicating, vinous or fer- l liquors on Sunday, or on general, annual or election days, and that the same shall be re- e at the pleasure of the common council; *and d further*, that no such license shall be issued ne sum fixed therefor shall be paid, and the bond as required by the laws of this state, and said hall be approved by either the mayor or common l.

How license to be executed.

Sale prohibited on Sundays and election days.

To restrain and prohibit all descriptions of gam- d fraudulent devices and practices, and all play- cards, dice or other games of chance, for the pur- f gaming in said city; and to restrain any person ending, giving or dealing in spirituous, ardent, cating, vinous or fermented liquors, unless duly d by the common council.

Restrain gaming and sale of liquors without license.

To prevent any riots, noise, disturbance or dis- y assemblages, suppress and restrain disorderly or groceries, or houses of ill-fame, and to author- destruction of all instruments used for the pur- of gaming.

Prevent riots, etc.

To compel the owner or occupant of any gro- ellar, tallow-chandler shop, soap factory, tannery, barn, privy, sewer, or other unwholesome, ns house or place, to cleanse, remove or abate ne from time to time, as often as it may be necessary for the health, comfort and conveni- he inhabitants of said city.

Compel the cleansing of nauseous places.

To direct the location and management of r or packing houses and markets, and to pre- erection, use or occupation of the same where or filth therefrom shall discharge into streams and to establish rates for and license venders wder, and regulate the storage, keeping and g of the same, or other combustible material. To prevent the encumbering of the streets, lanes and alleys with carriages, sleighs, boxes, rewood or any other materials or substances

Direct location of slaughter houses, etc.

Prevent incumbering of streets.

Horse racing, etc.

7th. To prevent horse-racing, immode gerous riding or driving in the streets, and the places of bathing and swimming in within the limits of said city.

Restrain running at large of cattle, dogs, etc.

8th. To restrain the running at lar cattle, swine, sheep, poultry and geese, and the distraining, impounding and sale of th also to prevent the running at large of dog thorize the destruction of the same in a su ner, when at large contrary to the ordin orders, regulations or by-laws.

Prevent deposit of putrid carcasses, etc.

9th. To prevent persons from bringin or having within said city, or placing in t jacent to said city, any putrid carcass wholesome substances, and to require th the same by any person who shall ha premises any such substance, putrid or u pork, fish, hides or skins of any kind; or authorize the removal thereof by som officer, at the expense of such person or p

Establish pounds, etc., and license draymen.

10th. To make and establish public po wells, cisterns and reservoirs, and to pro erection of water-works for the supply of inhabitants of the city; to regulate and l cabs, drays, carts, and the charges of hack draymen and cartmen in the city, and to ere to provide for lighting the streets, public public buildings with gas or otherwise.

Boards of health and cemetery grounds.

11th. To establish and regulate boar provide hospital and cemetery grounds, burial of the dead and the return of the bi ity, and to exempt burial grounds set ap use from taxation.

Weight of bread.

12th. To establish the size and weig and to provide for the seizure and forfei baked contrary thereto.

Prevent driving on sidewalks.

13th. To prevent all persons riding or horse, mule, cattle or other animal on the said city, or in any way doing any damag walks.

The shooting of firearms.

14th. To prevent shooting off fire arm and to prevent the exhibition of fire-w situation which may be considered by the gerous to the city or any property therein, to the citizens thereof.

Restrain drunkards.

15th. To restrain drunkards, immoder or obscenity in the streets or public place vide for arresting, removing and punishing or persons who may be guilty of the same

16th. To restrain and regulate runners and solicit- s for stages, cars, public houses and other establish- ents. **Runners and solicitors.**

17th. To make rules and ordinances for the govern- ent and regulation of the police of the city. **Regulate the police.**

18th. To establish public markets and make rules d regulations for the government of the same; to point suitable persons for overseeing and regulating ch markets, and to punish or restrain all persons in- rrupting or interfering with the due observance of ch rules and regulations; to license and regulate itchers' stalls, shops and stands for the sale of game, oultry, meats, fish and other provisions. **Establish and regulate public markets.**

19th. To regulate the place and manner of weigh- g and selling hay, and measuring and selling fuel, me and other gross commodities, and to appoint itable persons to superintend and conduct the same. **The hay market, etc.**

20th. To compel the owners of buildings or grounds the occupants where the same are occupied, to re- ove snow, dirt or rubbish from the sidewalks, street alley opposite thereto, and to compel such owner or ccupant to remove from the lot owned or occupied by im all such substances as the board of health shall irect, and in default, to authorize the removal or estruction of the objectionable substances by some fficer of the city, at the expense of such owner or oc- upant. **Removing of obstructions from sidewalks.**

21st. To regulate, prevent and control the landing f persons from cars and stages wherein are contagious nd infectious diseases or disorders, and to make such isposition of such persons as to preserve the health of he city. **To prevent spread of contageous diseases.**

22d. To regulate the time, place and manner of olding public auctions or vendues. **Regulate auctions.**

23d. To appoint policemen and prescribe their luties. **Appoint policemen.**

24th. To provide by ordinance for a standard of veights and measures, and for the punishment of per- ons using false weights and measures. **Provide standard weights and measures.**

25th. The common council shall have power to re- quire the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting the ame, and in default thereof, to cause the same to be lone, and to levy a special tax upon such lot or grounds, and to pay the expenses of the same. **For setting out shade trees.**

SECTION 4. All ordinances, rules, orders, resolu- ions or by-laws shall be passed by an affirmative vote of a majority of the common council, and said rules, **How ordinances to be passed.**

To be signed, published and recorded.

orders, resolutions and by-laws shall be
the other proceedings of the common
ordinances shall be signed by the mayo
lished in the official city newspaper, and
nances, together with the affidavit of pu
within thirty days from the time of its
corded by the city clerk in a book pro
purpose; said record shall be signed by
clerk, and shall at all times be taken as
dence of the passage of such ordinan
time and manner of such publication;
and parts thereof passed by the commo
the organization of the city in 1857, to
which have not been repealed or sup
same appear either in the record o
ings of the common council, or as the
them appear in what purports to be a

How proof of publication to be recorded.

nances and the proofs of publication th
pasting said proofs of publication in
record, or as the same appear as publish
mon council with the charter of said cit
part of them appear in the record book
now and recently made and kept by th
and the same are hereby all declared to
and virtue in the law, the same as the
been had every direction and requirem
charter been literally and strictly compl

Abatement of nuisances at common law.

SECTION 5. The power conferred up
to provide for the abatement or remov
shall not bar or hinder suits, prosecuti
ings in the courts according to law. Ga
houses of ill fame, disorderly taverns
places where spirituous, ardent, intoxica
fermented liquors are sold without the l
therefor, houses or buildings of any kin
than ten pounds of gunpowder are depo
kept at any one time, are hereby declar
deemed public or common nuisances.

Penalty for selling liquors on Sundays and election days.

SECTION 6. Every person having su
shall vend, sell or give away any spirit
intoxicating liquors on any Sunday, or
annual or special election day, shall be
cution under this act or the ordinances
may be indicted in the circuit court o
under the laws of the state, and up
thereof, any such offender shall forfeit
not exceeding two hundred dollars nor
dollars, or by imprisoned in the jail of
in the jail of said city not more than thi

of the court, and the license held by such all be forfeited and void.

N 7. The common council shall examine, adjust the accounts of the clerk, treasurer, nmissioner, school board and all other officers ts of the city, at such time as they may deem nd also at the end of each year, and before for which the officers of the said city are r appointed shall have expired. And the council shall require each and every such agent to exhibit his books, accounts and for such examination and settlement; and if officer or agent shall refuse to comply with s of the council in the discharge of their said pursuance of this section, or shall neglect or render his accounts or present his books and to said council, it shall be the duty of the council to declare the office of such person nd the common council shall order suits and ngs at law to be commenced against any officer of said city and his bondsmen, who may be nt or defaulting in his accounts or in the dis- f his official duties, and the city clerk shall ull record of all such settlements and adjust-

Council to audit accounts of city officers.

Claimant to exhibit books and vouchers—may be prosecuted for delinquency.

CHAPTER V.

OPENING OF STREETS.

N 1. The common council shall, within the s, have full power and authority to lay out, iscontinue any highway, street, alley or pub- herein, and to grade, pave or otherwise im- same, as it shall deem necessary or *provided*, that no street, lane or alley d out by said council, except as hereinafter nless the owner or owners of lots through roposed alley, lane or street is proposed to consent thereto in writing.

Council may lay out streets.

2. No highway, street, lane or alley or , shall be laid out or altered, unless a peti- ty at least six resident freeholders of the presented to said council asking therefor, anied by a proper plan or diagram and sur- g the premises proposed to be taken, to- the names of the owners thereof, and each es of residence, so far as that can be ascer- asonable diligence, and if the same requires

Shall not act except on petition of six freeholders.

the taking of private property for pu
the consent of the owners, not until the
shall be first established by the decis
twelve persons, who shall be reputable
holders of said city, and shall also po
qualifications as are or may be requi
the circuit courts of this state.

Shall require deposit of money to pay costs and expenses.

SECTION 3. When any such petiti
sented, the common council shall ma
quiring the applicants to deposit with t
such sum, not less than fifty dollars,
necessary to pay the costs and exper
ceedings, and when such deposit s
exhausted, the council shall order said
time to time, to deposit such further
deem necessary to pay accruing costs a
all action in regard to said petition sh
until such order is fully complied with
advanced shall be refunded to the pers
vancing the same whenever the same
the city, as hereinafter provided.

Shall cause notice of application to be published.

SECTION 4. The said order being fi
and it appearing to the satisfaction
council that private property is requ
against the consent of the owners, the
shall cause a notice of such applicatio
the owner or owners of lots, through
the proposed street, highway, alley or
out, by serving a notice thereof upon
sons occupying such lots or lands if a
any portion of said lots or lands, sha
actual occupance of any person, then t
cil shall cause such notice, describing
be the premises to be taken, to be
official paper of the city for four wee
at least once a week; such notice shal
a day therein to be named, not less th
the service of such notice or the ex
publication, as the case may be, applica
to the municipal judge of said city,
ment of the twelve jurors hereinbefor
view said premises, and to determine
necessary to take the same for the
in said petition; upon the day and a
in the said notice, and upon proof o
of service of the said notice as here
the said municipal judge shall issue his
to any constable of said city, comman
mon twelve persons having the quali

What notice shall state.

Municipal judge shall issue precept for summoning of jurors to examine premises

or such jurors, said persons to be named in said precept, forthwith to appear before said municipal judge, to serve as such jurors. The said precept shall be immediately served by a constable, on the persons therein named, by reading the same to every one of them that can be found; and the said constable shall then make return of the service to said municipal judge, together with his doings therein; all the parties interested in the matter of said petition may appear for themselves or by attorney, shall be heard before said municipal judge, and said jury in all respects be tried and selected as jurors are tried and selected to try civil actions in the circuit courts of this state. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, or be challenged, others shall, in the same manner by virue of endorsements to that effect on said precept, be summoned, tried and examined until a qualified and satisfactory jury of twelve persons is obtained. Said proceedings may be by said municipal judge adjourned from time to time until completed. The said municipal judge shall thereupon issue his precept, directed to said jurors so tried and selected, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take said premises for the purposes specified in said petition, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath, faithfully and impartially to discharge their duties as jurors in the premises, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, which oath may be administered by any person authorized to administer oaths, and which shall be filed in the office of the city clerk. The said jurors shall cause another notice to be given in the manner above provided (except that it need only be for one week) to the occupants and owners of the lots or lands described in the petition, of the time they may fix to view said premises, and decide in regard thereto. At said time so fixed and notified, said jury shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be of-

Parties may appear and be heard.

Vacancies may be filled.

Shall issue precept to jurors.

Jurors shall take oath.

Shall give notice of time they will view premises.

Shall proceed in a body to view premises.

Shall make report.

fered, the jurors shall make a report o
ings, which shall be signed by them re
which shall state whether, in their j
necessary to take the premises in quest
lic use, which said report, testimony an
be returned to the common council
limited in said precept. Should the ju
it is necessary to take the premises, the
cil shall enter an order among their p
firming said report.

Council shall appoint commissioners to appraise costs for proposed improvement.

SECTION 5. If upon such hearing th
decide that there is a necessity to take p
for public use, for the purposes prayed f
tion, the common council shall thereupo
appoint three disinterested freeholders
missioners to view and examine the pro
street, alley, lane or walk, or alteration
certain and appraise the just value of
the individuals necessary to be taken
shall also ascertain and appraise the nec
penses and damages for laying out, ope
the same, and make report thereof und
common council, within such time as ma
such order. If any of said commissi
neglect to act as such, or if said commi
agree as to the amount of damages or
any person, then the said council shal
commissioners in their places.

Commissioners shall report what property will be benefited, and to apportion costs, etc.

SECTION 6. The commissioners shal
certain, assess, determine and report t
council what property, lots and parcels
will be benefited by the laying out, ope
of any such highway, street, lane, alley
and assess, designate and apportion and
costs, expenses and damages of layi
opening or altering the same on the pro
parcels of land so benefited, in just pro
the benefits shall as near as may be equ
costs and expenses, making out a list
shall assess and apportion the same.

Shall strike balance between benefits and damages.

SECTION 7. The commissioners in
property, lots or parts of lots shall be
sess the benefits thereof to the other pa
erty or lots, and make a list thereof, a
the balance between the damages and
sessed, and make out a list of the same
same to the common council.

How apportioned to different owners.

SECTION 8. If the lands or build
different persons, or if the land be su

dgment or mortgage, or if there be any estate in it ss than an estate in fee, the injury done to such person or interest, respectively, may be awarded to them y the commissioners, less the benefits resulting to hem, respectively, from the proposed improvement.

How, when lots are under lease or contract.

SECTION 9. When the whole of any lot or tract of and or other premises, under lease or under contract, hall be taken by virtue of this act, all the covenants, ontracts, or agreements between landlord and tenant r any other contracting party, touching the same or ny part thereof, shall, upon the confirmation of such eport, respectively cease and be absolutely discharged.

In case owners are infants or non-residents, how notice given.

SECTION 10. When any known owner of lands or enements affected by any proceedings under this act, hall be an infant or labor under any legal disability, he judge of the circuit court of Iowa county, or in is absence, the judge of any court of record in said ounty, may, upon the application of the common ouncil or such party or his next friend, appoint a uardian for such party, and all notices required by his act shall be served upon such guardian.

Commissioners shall take oath.

SECTION 11. The commissioners shall immediately after their appointment, and before proceeding to discharge their duties as aforesaid, severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them, and shall give notice in one or more newspapers of the city, of at least one week, of the time and place in which they will meet to hear any proofs or allegations of any person interested therein, and at the time and place so mentioned, they shall meet for that purpose, and may adjourn from time to time, as they may regard reasonable, but not beyond the time limited in the order for making their report, and either of said commissioners shall have the power to administer an oath to any witness offered.

Shall give notice of meeting to hear grievances.

Owners may appeal from assessment of damages.

SECTION 12. Any person whose property is taken, or against whom any assessment is made may, within ten days from the return of such commissioners to the council, appeal from said assessment of damages or benefits, to the circuit court of Iowa county: *provided*, such person or some one in his behalf, make affidavit that he believes himself injured by the award of said commissioners, and that the appeal is made in good faith, and not for the purpose of delay. The appellant shall give security for costs, and the appeal shall be tried by

the court and jury, as in ordinary case
shall have the same right of appeal.

Council may confirm proceedings.

SECTION 13. If no appeal is taken,
the report of the commissioners affirme
the council may order the proceedings
sioners, as reported or as modified by
firmed.

Not to proceed with improvement till damages are paid.

SECTION 14. No such highway, st
walk or alteration thereof shall be laid
made, until the owners of property w
taken against their consent, shall be p
or balance so assessed or awarded in th
same shall have been deposited subjec
with the city treasurer.

Assessments to be a lien upon lots.

SECTION 15. All sums so assessed
shall be a lien upon the property so a
portioned, and for the payment of wh
erty, lots or parcels of land shall be
same, if not paid at the time of maki
nual levy of city taxes, after said confi
said time, be levied by the common c
upon such lots or parcels of land, and
be put in the tax roll, and be collect
other taxes are collected in said city. W

Damages to be paid over to owners.

therefor shall be actually received by
urer, he shall pay the same over to the
thereto by the apportionment of the co
to the person or persons who may hav
same.

May lay out street, etc., on petition and publication of notice.

SECTION 16. In all other cases, the
out, alter or discontinue any highw
alley or walk, whenever they deem th
and advisable, by an order entered in
ings, specifying and describing the sam
the same is applied for by petition, as n
second section of this act, and two weel
same shall have previously been publi
paper in said city.

How estimate the value of buildings.

SECTION 17. If there should be any
ing in whole or in part, upon the lands
commissioners, before proceeding to ma
ment, shall first estimate and determine
of such building to such owner or own
the value of the lands, and the injury
or owners, in having such building tak
them, and, secondly, the value of su
remove.

Shall give notice of determination.

SECTION 18. At least ten days' no
termination shall be given to such own

if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident of the city, notice to all persons interested shall be given by publication in the official paper three successive weeks. Such notice shall specify the building and the award or determination of the commissioners; said notice shall also require the parties interested to appear by a day to be therein named, or give notice of their acceptance of the award of the commissioners and allow such building with the land appropriated, to be taken, or their intention to remove such building at the rate set thereon by the commissioners. If the owner elects to remove such building, he shall have such time for that purpose as the council shall allow.

Council may direct sale of the buildings.

SECTION 19. If the owner refuses to remove the building, or to take the same at the valuation, or fails to give notice of his election as aforesaid, within the time prescribed, the council shall have power to direct the sale of such building at public auction, giving ten days' notice of the sale. The proceeds shall be paid to the owner, or deposited to his use, after deducting the costs of removal and sale.

Damages, costs and expenses to be paid by owners of property.

SECTION 20. The damages assessed as aforesaid, together with the costs and expenses of opening, altering or laying out such highway, alley, street, lane or walk, shall be paid by the owners or holders of the property benefited thereby, or may be temporarily advanced by any person or persons interested in said improvements, and when so paid or deposited as aforesaid, by the owners, or by advancement as aforesaid, and having been confirmed by the council, the said land or private property may be taken and appropriated for the purposes required, and a map, plan or survey of such highway, street, lane, alley, walk or alteration thereof shall be recorded in the book where the ordinances of the city are recorded, and the same shall thereafter be subject to all laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out.

CHAPTER VI.

IMPROVEMENT OF STREETS.

Council may change grade, on application of owners.

SECTION 1. Upon application in writing of the resident owners of three-fourths of the lots upon any street, or upon that part of any street on which the grade is proposed to be changed, accompanied with a map showing the lots in said street and the names of

the owners thereof, the common counci
power to cause a survey to be made, aud
grade or establish a new one, in such stre
street set out in such application, as the
may seem to require.

Person not signing application, shall have right of action for damages.

SECTION 2. Any person not being a si
application, who shall claim to have susta
by such change of grade, shall have his ri
against the city for the recovery of the sar
that no suit shall be brought against the
recovery of such damage until a claim
been made to the common council and
shall have refused or neglected for thre
settle the same. The signing of such ap
change of grade shall be taken and co
release of all claims for damages of every

Street commissioners, to supervise streets.

SECTION 3. It shall be the duty of the
missioners to see that all the ordinances o
lating to the obstruction and cleansing
streets, alleys, public grounds, reserv
sewers and water courses are duly obser
and direct and control the persons empl
The street commissioner shall have a ger
sion over all work let by contract for the
of streets or sidewalks, unless the common
otherwise provide.

How sidewalks shall be constructed.

SECTION 4. Sidewalks shall be const
the proper established grade of any street
of such width, in such manner, of such m
in such time as the common council b
resolution or order shall direct, by the own
of any lot or piece of ground in front of
sidewalk shall be ordered. If the owner
any such lot or piece of ground shall
such sidewalk as aforesaid, the common
direct the street commissioner to cause th
constructed at the expense of such owne

How contracts shall be let.

The contract for the construction of any s
shall be let to the lowest bidder, and no
given by publication in the official paper
for at least ten days, of the time, place an

Not to be let till public notice is given.

receiving and opening said bids: *provided*,
contract shall be let until sixty days after
have been given to such owner or owners,
nance, resolution or order requiring the co
such sidewalk, by the publication of the
ten days in the official paper of the city: *p*
that said ordinance, resolution or order ma
discretion of the common council, requir

r owners to do such filling and cutting opposite their
aid lots as may be necessary to bring them to grade,
nd enable them to construct said sidewalk.

SECTION 5. The street commissioner shall, with his
annual report of delinquent street taxes, report to the
ty clerk, a description of any lot or lots in front of
hich he shall have so caused any sidewalk to be con-
ructed, together with the cost thereof, giving the
ems, and the common council shall at the time they
xt thereafter levy the annual city taxes, levy the
id cost thereof, as a tax upon such lot or lots, and the
y clerk shall put the same in the tax roll, and it shall
collected with and in the same manner as other city
xes.

Shall make annual report of delinquent street taxes.

SECTION 6. All moneys expended by the common
ncil, in the improvement of streets (sidewalks ex-
ted) shall be expended upon the streets in the sev-
wards in proprotion to the relative value of the tax-
e property, and poll tax assessed and collected in
several wards, unless the common council shall
erwise unanimously direct.

Street improvements to be proportionate to value of property.

ECTION 7. The common council of said city shall
e power to levy an annual tax, not exceeding five
s on the dollar, of the assessed value of property in
city, for the improvemet of streets; and may by
lution determine the time and manner of collecting
paying the same; the delinquent returns of unpaid
t taxes shall be made by the city treasurer or by the
on collecting the same, and the same shall be put
e annual tax roll by the city clerk, and be col-
d in all respects as is provided by law for the re-
and collection of delinquent road taxes, in the
of Iowa county.

Council may levy annual tax for street improvements.

CHAPTER VII

FINANCES AND TAXATION.

ION 1. All funds in the city treasury, except
state and county funds, shall be under the control
ommon council, and shall be drawn out upon the
f the mayor, countersigned by the clerk, duly
zed by a vote of the common council, and in no
nanner, and all orders drawn upon the treasurer
pecify the purpose for which they are drawn,
all be payable generally out of any funds in the
y belonging to the city, and all such orders shall
ived in payment of any debt or demand due to,
or assessment levied by authority, or by order,

All city funds to be under control of council.

or resolution of the common council except
ied for school purposes; but the common co
not issue in any one year a greater amou
orders (for purposes other than building sch
or on account of railroad bond claims) than t
of the tax authorized to be levied for th
expenses of the city for such year; and n
shall ever be paid by said city, on any
except on orders issued for the purpose o
school houses, or on account of the rail
claims.

How city debt to be authorized.

SECTION 2. No debt shall be contracted
city, or order drawn upon the city treasury,
same shall be authorized by a majority of th
council, and the vote authorizing the same s
tered upon the record of the proceedings o
mon council, and no money shall be appro
any purpose whatever except such as is ex
thorized by this act.

Fines and license moneys payable into general fund.

SECTION 3. All forfeitures and penalti
to the city for a violation of this act or of
ordinances, by-laws, orders, resolutions and
of the city, and all moneys received for lic
be paid into the city treasury and become
general fund, except as otherwise provided

How penalty remitted.

No penalty or judgment recovered in favor
shall be remitted or discharged except by a
vote of the common council.

All property subject to taxation.

SECTION 4. All property, real or perso
the city, except such as may be exempt by
the state, shall be subject to annual taxati
support of the city government and the
its debts and liabilities, and the same shall

Powers, duties and liability of the assessor.

in the manner hereinafter provided. T
elected under this act shall have and posse
powers, and be subject to the same duties
ties that are or may hereafter be conferred
upon township assessors: *provided, howeve*
common council may prescribe the form of
and tax rolls, and more fully define the du
sessors, and make such rules and regulation
to revising, altering or perfecting such ro
may from time to time deem advisable.

City clerk to make assessment upon certificate of county clerk.

SECTION 5. Upon receiving the certifi
county clerk, of the amount of taxes levi
city by the county board of supervisors, as
by law, the city clerk shall calculate and ca
taxes in the tax roll, as is or may be provi
and this charter, without any order from, or

ame, and the city clerk shall then enter in the proceed-
ngs of the common council with the record of said
evy, the substance of said certificate so received from
he county clerk by the common council; and within
en days after the receipt by the city clerk of said state-
nent of the amount of taxes levied by the county
oard of supervisors, as provided by law, the common
ouncil shall determine the amount of taxes to be levied
or general and special city purposes, and also the
mount of money necessary or required to be levied
or school purposes, and shall by resolution, levy the
ame, but no such resolution shall be adopted except
y a two-thirds vote of the common council, which
hall appear in the proceedings of the common council:
rovided, that the amount of tax levied for the general
xpenses of the city, shall not exceed the sum of twelve
undred dollars in any one year.

Council determine amount of general and special city taxes, by two-thirds' vote.

SECTION 6. All taxes or assessments, general or
pecial, levied under this act shall be and remain a
en upon the lands and tenements upon which they
ay be assessed, and upon all personal property of
ny person, or body politic assessed for personal taxes,
om the date of the warrant for the collection thereof
ntil such taxes shall be paid; and no sale or tranfer of
ch real or personal property shall affect such lien.
ny personal property belonging to the person taxed
ay be taken and sold for the payment of taxes upon
rsonal property; but shall not be taken or sold for
xes on real estate. The real estate shall be returned
inquent, and be sold for any unpaid taxes, as is pro-
ed by law.

All taxes to be and remain a lien upon property, till paid.

Personal property may be sold only for personal tax.

SECTION 7. The board of supervisors of the county
Iowa shall have the right to regard the city of
eral Point as a town, in equalizing the assessment
of the several towns in said county, as provided
aw, but in such equalization shall consider the
sment roll of said city as an entire roll, and shall
hange the relative valuation of different wards.

County board may regard city as a town, in equalizing taxes.

TION 8. The said board of supervisors may
tax or taxes, as now is or may hereafter be pro-
by law in relation to towns, but shall proceed
without regard to the division of the city into
and shall cause the amount of taxes so levied
ertified to the city clerk, in the manner provided
, in relation to towns or town clerks, and in all
tions of the board of supervisors of said county,
y shall be regarded as a town except as herein
ise provided.

May levy tax same as upon towns, without regard to wards.

City clerk to deliver certified statement to treasurer, and tax roll.

SECTION 9. Whenever any tax roll, ei or special, shall be issued in said city, th shall, as soon as he knows the amount ther to the city treasurer a certified statement, amount of taxes so levied upon said city, purpose; and so soon as said treasurer sha said city clerk the receipt of the county the bond required of him by the laws of he shall have given and filed his bond a quired by the order or resolution of the co cil, the said city clerk shall deliver to th treasurer the tax roll, with a warrant in form as required of town clerks by the state, and shall otherwise be subject to the and liabilities in the premises. He shall a a duplicate of said certified statement, and among the records of his office.

If tax is extraordinary, council may require additional bond of treasurer.

SECTION 10. Whenever any general special tax roll issued by the city, shall extra or unusual amount of special or di from those usually collected annually in s common council shall, by order or resolu the city treasurer to give an additional bo dinary form, to the city, in double the am special or different taxes, and in no event roll be delivered to said city treasurer u have filed the bond required by the co cil, or shall have delivered to the city cler of the county treasurer for his bond, as req laws of this state.

City treasurer to collect tax as town treasurers do—his fees.

SECTION 11. The city treasurer shall collect under the warrant so issued, in and shall have like powers, and be su duties, liabilities and restrictions as tow except as herein otherwise provided. T urer shall receive two per cent. fees up paid to him before the first day of Janu per cent. fees upon taxes collected after be added to the amount of taxes and co the same, and two per cent. upon all ot paid into the treasury (except on the amo receive from his predecessor in office), in services performed by said treasurer unde the ordinances of the city. The said tre also, at the time of making his return to treasurer, make out and deliver to the city of all delinquent personal property taxes f year. The county treasurer shall add th terest, penalties or fees, to such delinquen

Shall make list of delinquent taxes.

wed or required by law, upon delinquent returns n the several towns.

ECTION 12. The county treasurer shall sell all de- uent lands or lots returned from the city of Min- Point, at the same time and in the same manner ther delinquent lands are sold in said county, and l proceed to collect all delinquent personal property s returned from the city, in the same manner as is nay be provided by law for the collection of such s, when returned from towns in said county.

County treasurer to sell delinquent lots.

SECTION 13. All real estate exempt from taxation he laws of this state shall be subject to special s for the building of sidewalks and improvement treets in front of the same.

Exempt property liable to special taxes.

ECTION 14. No suit or proceeding shall be com- nced or prosecuted to recover title or possession of lot, piece or parcel of land situated within the its of the city of Mineral Point, held or claimed by ue of any deed purporting upon its face to be exe- ed on account of any sale for taxes or assessments ied after the passage of this act, until the person nmencing such a proceeding shall have deposited h the court in which such proceeding is or shall be nmenced, for the use of the holder or claimant under h deed an amount of money equal to the amount taxes, costs and charges paid in procuring such d, and all subsequent taxes, costs and charges upon lot or lands described in such deeds, paid by such der or claimant, together with twenty-five per cent erest on all sums, from the time of such payment the commencement of such suit or proceeding, and the event that such deed shall be defeated or im- ched on the trial of such cause, the money so de- ited shall be awarded to the holder or claimant der such deed, except in cases where the taxes were d before sale, or the lands redeemed according to . In the trial of every such cause on the part of defendant, such deed shall be first read in evidence the jury, and shall be evidence in such suit or pro- dings to the extent specified and provided by the s of this state in case of tax deeds: *provided*, that said tax or any part thereof is for, or in any way sed upon claims growing out of or from bonds here- ore issued by the county of Iowa, or town of Min- l Point, to or in aid of the Mineral Point Railroad mpany, then for that tax or part thereof, no such de- sit need be made, either for that tax or the interest or st thereon.

Suits to recover possession not to be commenced till amount of taxes, costs and charges are deposited with the court.

In the trials, deed to be read in evidence, except for railroad bond debt.

Private property not to be levied on to satisfy public debt.

SECTION 15. No real or personal prope habitant of said city, or of any individual o therein, shall be levied upon or sold by execution, order or decree issued or made collect any debt, obligation or contract or of any individual therein, upon any p ever, if said execution, order or decree is f any claim for, or in any way whatever any debt or contract which said city o either in whole or in part.

No execution to be issued on judgments against city officers, entered in their name of office.

SECTION 16. When a judgment shall or an order or decree be rendered against any ward thereof, or against any officer o any ward thereof, or against any individu any action or proceeding whatever, prese against him, either in his name of office ally, where the same should be paid by th ward thereof, or where the same is founded on any claim for or in any way whatever gro debt or contract, which said city ought to or in part, no execution shall be issue upon such judgment, order or decree, nor tion be brought thereon, but the same, un shall be levied and collected as herein p when so collected, shall be paid by the c to the person to whom the same shall upon the delivery of a proper voucher th

Such judgments to be paid by levying tax upon all the taxable property of the city.

SECTION 17. Whenever any exempl any final judgment, order or decree as is the preceding sections, together with th the plaintiff or complainant in any such cau ing, his assignee or attorney, stating tha ment, order or decree has not been rever from or removed to any other court, or pa in whole or in part, shall be filed in the city clerk, it shall be the duty of said cler ately notify the mayor thereof, and the m soon thereafter as may be, call a meeting mon council, at which meeting the coun ceed to assess and levy the amount ther interest thereon from the date of such jud or decree, to the time when the warrant f tion thereof will expire, as a tax upon all property of said city, as shown by the la roll; the city clerk shall, within thirty da issue a tax roll therefor with warrant an usual form, and the same proceedings shall on, and the same shall be collected and re same manner as other city taxes, but in n

whatever shall said tax be mixed or mingled with any other tax.

How and when principal and interest on railroad bonds to be paid.

SECTION 18. All principal and interest upon all bonds which have heretofore been issued by the town of Mineral Point, for railroad stock or other purposes, shall be paid whenever the same may be settled by the city and town of Mineral Point, in the proportion heretofore settled and agreed upon according to law, by and between the said town and city, and in case either town or city shall pay more than their equal and just portion of the same at any time, the other party shall be liable therefor in an action on the case, brought by the party so paying for the same.

Council and board of supervisors may compromise and settle railroad indebtedness.

SECTION 19. For the purpose of compromising and settling the claims for railroad indebtedness against the town and city of Mineral Point, based and founded upon bonds heretofore issued by the town of Mineral Point, to aid in the construction of the Mineral Point railroad by authority of "an act to authorize the counties and towns through which the Mineral Point railroad passes, to aid in its construction, approved March 23, 1853," and which indebtedness may, at the time of compromising or settling the same, be represented by bonds, coupons, judgments, orders or decrees rendered or made upon the same, it shall be lawful for the common council of said city, in concert with the board of supervisors of the town of Mineral Point, to compromise or settle the said claims or indebtedness, upon such terms and conditions as to them shall seem most advantageous and beneficial to said city and town, proceeding therein as is hereinafter provided.

Shall appoint a railroad bond committee.

SECTION 20. At the first meeting after the annual meeting in A. D. 1873, or as soon thereafter as may be, the common council shall, by an order or resolution to be entered upon its record, appoint a railroad bond committee, consisting of seven persons, who shall be selected from, and be principal freeholders, tax-payers, voters and residents of said city; the said committee may be, by the common council in its discretion, changed from time to time, either in whole or in part, and said council shall fill any vacancies which may occur in said committee by death, resignation or removal from the city, record thereof being always kept, so as to show what persons compose said committee.

Shall make agreement for terms of settlement in writing, for approval of council.

SECTION 21. Whenever the holder of any of said indebtedness or claims shall have agreed with the common council and the board of supervisors of the town of Mineral Point to settle any of said indebtedness, an

article in writing shall be made, and sig
ties making said agreement, which shall
what is agreed to be settled, the term
agreed upon, both as to amount, mode
payment; the said agreement shall the
to said railroad bond committee appoint
acting with a similar committee of four
of Mineral Point for approval; the sa
shall meet together to consider the same,
endorse on the said agreement in writ
signatures, their approval or disapprov
return the same to the common counci
agreement be approved by a majority
said committees, the same shall be carri
filled by the parties making the same, b
ment shall be disapproved by a majori
of said committees, it shall not be car
filled, but shall be null and void.

Council may issue bonds to fulfill said agreement, or may stipulate to pay certain sum into court.

SECTION 22. For the purpose of ful
summating an agreement so made and
for the purpose of raising or borrowing
fill and consummate the same, the comm
said city of Mineral Point shall, for the sh
tion of said city of any such settlement
have power to issue bonds, with inter
tached, promissory notes, orders or draft
or sums, to such person or persons
bearing such rate or rates or interest, p
to principal or interest, at such time or
places, to order or bearer, as may be nec
said agreement, or shall have power to
agree with the holder of any of said ind
may have the same in judgment, to pay
and interest thereon, into the court wher
or decree may be, in satisfaction of the sa
or being permitted to hold the judgme
for the fulfillment of the stipulation; t
tion must be placed on record in said c
also first have been agreed to, and appr
said; all bonds, notes, orders, drafts or
sued or made under the provisions of t
city, shall be signed by the mayor, and
by the city clerk, and sealed with the s
and the said clerk is required before t
any such bond, note, order, draft or stipu
and keep a full and fair record thereof,
may be written or printed, or partly wri
printed in a book to be furnished for tha

How bonds, stipulations, etc., to be executed.

SECTION 23. For the prompt payment and fulfillment of all the bonds, promissory notes, orders, drafts or stipulations which may be issued under the authority of this [act], or for the payment of necessary expenses incurred in regard to said indebtedness, the common council of said city are hereby authorized and required, at the time of levying their usual regular annual taxes, to assess and levy a tax upon all the taxable property of said city and town, from year to year, sufficient to promptly and faithfully pay, as the same may become due, all sums agreed to be paid by the said bonds, notes, orders, drafts or stipulations aforesaid, the interest thereon and the expenses aforesaid, and the sums so levied shall be collected with, and in the same manner as are other city and town annual taxes, and all laws and provisions of this act applicable to such other taxes, shall be applicable to taxes levied by virtue hereof, and the moneys so raised or borrowed, and the taxes that may be levied and collected to pay the same shall not be diverted or used for any other purpose or be subject to any legal process whatever.

Council shall levy tax to pay bonds, stipulations, etc., with interest, expenses, etc.

SECTION 24. The common council of said city and each of the officers of said city, and the attorneys and agents of each, and of said city are hereby expressly prohibited from issuing or delivering any of the bonds, promissory notes, orders, drafts or stipulations authorized by this chapter, except for the purpose of settling said indebtedness, or unless the same shall have been first agreed for, and approved as herein provided, and any such issue or delivery of any such bonds, promissory notes, orders, drafts or stipulations, or either of them, except as herein provided, by any officer, attorney or agent or said officers or of said city, shall be deemed an embezzlement, and the person, officer, attorney or agent so offending, shall, upon conviction thereof, be punished by fine or imprisonment, or both, at the discretion of the court.

No bonds to be issued except for the purpose of settling said indebtedness.

SECTION 25. Any member of said common council who shall neglect, refuse, or in any way avoid levying the taxes provided for in this chapter as therein required to be levied, or if they or any of the officers of said city shall neglect, refuse or avoid carrying out any of the provisions hereof for the payment of said bonds, promissory notes, orders, drafts or stipulations, not made the subject of a special penalty, such person or officer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, or be imprisoned in the common jail of Iowa county not more than six months, or both

Penalty for neglect or refusal to levy tax.

at the discretion of the court, all fines collected for a violation hereof shall be us to pay the obligations authorized by this

CHAPTER VIII.

COMMON SCHOOLS.

City shall constitute one school district, and be under control of the commissioners.

SECTION 1. The city of Mineral Po stitute one school district, under the con agement of a board of education, to be co city superintendent, *ex officio*, [who] shall of the board, and one commissioner from be elected by ballot by the common cou meeting after the annual election, or as s as may be, one of whom shall be elect nated to hold his office for the term of c the other shall hold his office for the term and thereafter every year the common elect one commissioner from the ward o sioner then going out of office, and said so elected shall hold his office for the years. Said commissioners may be rem fice for official misconduct or wilful ne by the common council, by a vote of tw members thereof, a fair hearing having before removal.

Commissioners shall take oath, and appoint clerk.

SECTION 2. Said commissioners shal days after their appointment, take the prescribed by the constitution of this sta same with the city clerk. At their first may appoint one of their number clerk ble, some other person, to hold his offi pleasure of said board, who shall receiv pensation as said board may determi commissioners shall receive no compens services.

Duties of the said clerk.

SECTION 3. The clerk of said boar record of the proceedings thereof, and other duties as the board may prescribe; or transcript thereof, certified by the clerk, shall be received in all courts as *p* idence of the facts therein set forth; an and all the books and accounts of the sa at all times be subject to the inspection o thereof, officer of said city, or of any pers tee appointed by the common council to same.

SECTION 4. The common council of the said city of Mineral Point shall have the power and it shall be their duty to raise from time to time by tax, upon the real and personal estate of said city subject to taxation, in addition to the amount of school moneys now or hereafter appropriated or provided by law for common schools in said city, such sums as may be determined and certified by the said board of education to be necessary and proper for any or all of the following purposes, the said certificate to be sent in to the common council immediately preceding the time fixed for the annual levy of taxes:

Council shall raise by tax any additional sum necessary for the following purposes.

1st. To purchase, lease or improve sites for school houses.

Purchase sites.

2d. To build, purchase, lease, enlarge, alter, improve and repair school houses and their out-houses and appurtenances.

Build school houses.

3d. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall not be deemed to extend to the furnishing of class or text books for any scholar whose parents or guardian shall be able to furnish the same.

Purchase apparatus, books, etc.

4th. To procure fuel and defray the contingent expenses of the common schools and the expenses of the school library of said city.

For fuel and contingent expenses.

5th. To pay the wages of teachers due after the application of the public moneys which may by law be appropriated and provided for that purpose: *provided, however*, that no tax shall be levied for said purposes oftener than once a year: *provided, also*, that if from any cause whatever, the school tax levied for any one year shall remain uncollected, the common council may, if it deems it best, direct the same, or any part or portion of it, to be added to and collected with the school taxes for the ensuing year.

To pay teachers' wages.

Not to be levied but once a year.

SECTION 5. The common council shall cause the tax or taxes herein provided for, to be levied and collected annually, in the same manner as other annual taxes are levied and collected in said city, and all moneys so collected, and all school moneys appropriated by law to, or provided by law for said city, shall be paid to the treasurer of said city, who, together with the sureties on his bond, shall be accountable therefor in the same manner as for other moneys of said city.

Council shall cause taxes to be levied annually.

SECTION 6. The treasurer of said city shall not pay out any money in his hands received by the said city, either as school moneys, or collected or received by virtue of any provision of this chapter, except upon an

Not to pay out money except upon order of the board of education.

order drawn upon him, signed by the
clerk of said board of education, and
shall be drawn except by virtue of a r
said board.

May be prosecuted for default, etc.

SECTION 7. The said board may
suits to be prosecuted in the name of t
eral Point, upon the official bond of t
of collector of said city, for any defau
or official misconduct in relation to the
keeping, or payment of any moneys i
tioned.

Board may establish schools in the different wards.

SECTION 8. The said board shall
and it shall be their duty:

1st. To establish and organize suc
schools in the several wards of said cit
deem requisite and expedient, and to
tinue the same: *provided*, that the syste
union schools shall be adopted as the fo
such schools.

May purchase or hire school houses.

2d. To purchase or hire school ho
and lots or sites for school houses, an
prove them as they may deem proper.

May build, alter or improve school houses.

3d. Upon such lots and upon any s
by the city, either by purchase or as
the village of Mineral Point, to build
improve and repair school houses, ou
purtenances as they may deem advisab

May purchase books, apparatus, etc.

4th. To purchase, exchange, impr
school apparatus, books for indigent
and appendages, and to provide fuel
defray their contingent expenses, and
the district library.

Shall have custody of all school property.

5th. To have the custody and safe
school houses and out houses, books, f
pendages, and to see that the ordinanc
resolutions or by-laws of the common co
thereto are observed.

Employ teachers.

6th. To contract with and employ
the common schools, and the high sc
have been licensed by the superintende
pleasure to remove them.

Pay their wages.

7th. To pay the wages of said teach
funds provided for that purpose as
treasury of the city.

Defray contingent expenses.

8th. To defray the contingent expen
including the salary of the clerk: *provi*
of such expenses shall first be audited
the common council.

9th. To have the entire supervision and control of the common schools in said city, and to regulate the manner of receiving pupils, and their transfer from one school to another, and to adopt rules for their own government.

Have supervision of schools.

10th. Whenever said board shall deem it advisable to sell any of the school houses, lots or sites, or any of the school property, now or hereafter belonging to the city, to report and recommend the same to the common council.

May sell all school property.

11th. To recommend to the common council any matter in which its action is desirable, and to certify the amount of money necessary to be raised under the fourth section of this chapter, and the reasons therefor.

Certify to council the amount of money to be raised.

12th. If from any cause whatever, the officers of the city, or any or either of them whose duty it is to aid in or collect the taxes provided for in this chapter, shall neglect or be unable to collect said taxes up to the first day of February of any year, the said board of education shall, if it deems it for the interest and benefit of the people of said city, by resolution to be entered in their records, and a certified copy whereof shall be furnished to the city clerk, assess and re-levy such taxes upon all the taxable property of said city according to the last assessment roll, and in said resolution shall direct the city clerk to issue a tax roll for taxes, with warrants annexed, in the usual form, and to place the same in the hands of the city treasurer for collection, and the said re-levy of said taxes shall be of the same force and effect in the law as the original levy thereof by the common council.

If city officers fail to levy and collect tax, board may re-levy and direct collection.

SECTION 9. Upon receiving the said certified copy of said resolution, the city clerk shall file the same in his office, and immediately make out a tax roll for said taxes, with a warrant annexed in the usual form, returnable in forty days, and shall, in regard thereto, conform and do in all respects, as near as may be, the same as though he was making and issuing a regular annual tax roll.

City clerk shall make tax roll, and annex warrant.

SECTION 10. The city treasurer shall give bond therefor as may be required by the common council, and shall then take and receive the said tax roll from the city clerk, and shall proceed to execute said warrant in all respects as soon as may be, as if it were the regular annual tax roll, except that he shall make his delinquent return of such taxes in said roll, as may be unpaid, to the city clerk, who shall, upon making the next regular annual tax roll thereafter, enter such unpaid taxes in a separate column therein, opposite the

City treasurer shall give bond and proceed to collect tax as in other cases.

description of property upon which the t
unpaid, and such taxes shall be collect
manner as other city and county taxes

May allow non-resident children to attend school.

SECTION 11. The said board may
dren of non-residents to attend any of
said city upon such terms as said board
tion prescribe, fixing the rate of tuition

Board shall make report of receipts and disbursements.

SECTION 12. It shall be the duty of
on or before the last Monday of March
prepare and report to the common coun
correct account of the receipts and di
moneys under and in pursuance of the
this act, during the preceding year,
count shall be stated under appropria
The moneys received by the city under
tion of this chapter; 2d. The moneys r
city under the twelfth sub-division of
tion of this chapter; 3d. The school m
by the treasurer of the city from the co
4th. The moneys received from direct
other moneys received by the treasurer,
order of the board, specifying the so
common council shall cause the same t

Shall be subject to rules of state superintendent.

SECTION 13. The said board shall b
time to time, to the rules and regulatio
state superintendent of common school
same may be applicable to them and n
with the provisions of this act.

Duties of the city superintendent.

SECTION 14. The city superintende
executive officer of the board of educ
amine all teachers making application fo
presence of the board, shall grant certi
persons so examined as shall be deemed
majority of the board, suitably qualified,
into effect the ordinances of the commo
the rules and regulations of the board

Additional duties.

the public schools. He shall also be sp
with the care and custody of the severa
of the city, and under the direction of
superintend the building and repairing
houses ordered to be erected or repaire
less otherwise directed. In addition t
duties, he shall visit the common school
least twice during each term and report
to the board with such suggestions for
ment as he may deem proper. His com
be fixed by the common council of the
be paid out of the contingent school fun

CTION 15. It shall be the duty of the city superdent, between the first and fifteenth days of Octon each year, to make out and transmit to the clerk e board of supervisors of the county, a report in ng, setting forth such facts as are now required by to be included in the report of school district s.

He shall make annual report.

CTION 16. It shall be the duty of the common cil to pass such ordinances as may be necessary he protection and preservation of the school houses, sites and appurtenances, and to impose proper pen- for violation of the same; such penalties to be cted as other penalties for the violation of other ordinances, and to be paid to the city treasurer, ect to the order of the board of education.

Council shall pass ordinances for protection of school property.

CTION 17. The title of the school houses, lots, furniture, books, apparatus, appurtenances and ther property now belonging to the city of Mineral t, whether vested therein by the acts to which this endatory or otherwise, and such as may be hereafter ired, shall remain and continue to be vested in the of Mineral Point, and the same may be sold by common council of said city, upon application of board of education, upon such terms as said com- council may deem advisable. The same while or appropriated for school purposes, shall not be d upon or sold by order of any warrant or execu- nor be subject to taxation for any purpose what- and the said city, in its corporate capacity, shall ble to take, hold and dispose of any real or per- estate transferred to it by gift, grant, bequest or e, for the use of the common schools of said city, ner the same be transferred to said city by its r style, or by any other designation, or to any n or persons, or body for the use of said schools.

Title to all school property shall be and remain vested in city.

Shall be exempt from taxation and execution.

TION 18. All moneys required to be raised of this act, or being raised as herein provided, be held by the treasurer of said city, and by him l to the credit of the said board of education, and be drawn out in pursuance of a resolution, or sions of said board, by drafts drawn by the pres- and countersigned by the clerk of said board, e to the order of the person or persons en- o receive such moneys; and said treasurer eep the funds authorized by this act to be d by him, separate and distinct from any other at he is or may be by law authorized to receive.

All school moneys to be under control of board of education.

ON 19. The common council of said city shall power or authority to borrow any sum of

Council prohibited from borrowing money.

money for the purpose of procuring site
a suitable edifice or edifices for the use o
thereof, [except] as hereinafter provided.

May authorize special election to vote on question of loan.

SECTION 20. Whenever a majority o
council shall deem it expedient to make
purpose, the said council may authorize
tion to be held, or a vote of the legal vot
to be taken at a general city election, wh
of said city shall vote, "for the loan" o
loan," and if a majority of the votes cas
tion be returned "for the loan," the com
said city shall have power to borrow a
not exceeding ten thousand dollars, for
procuring sites and erecting a suitable ed
for the use of the schools thereof, to be ex
the direction of the board of education,
bonds therefor, under the common seal o

When and how to be paid.

the signature of the mayor and clerk
loan of the sum hereby authorized shall
not exceeding fifteen years, and shall be
ner stipulated by said common council, a
thereon shall be paid annually, and the
cil are hereby authorized, and it shall be
raise by tax, in the manner specified in
tion of this chapter, the annual interest
and to pay over the same in discharge
est; and also to raise in the same man
necessary to meet the conditions of sai
pay over the same in discharge thereof:
the common council, before such vote
voters of said city, shall give ten days' p
the amount proposed to be borrowed, an
place of holding the election.

City clerk shall notify superintendent and commissioners of their election.

SECTION 21. It shall be the duty of
immediately after the appointment of
commissioner of common schools or e
superintendent, personally to notify him
ment or election, and if any such per
within ten days after receiving such pers
appointment, take and subscribe to the
oath, and file the same with the city clerk
council may consider it a refusal to serv
to supply the vacancy occasioned by su
electing some one by ballot to hold said
balance of the term.

CHAPTER IX.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings or of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

The council may prescribe fire limits.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimnies, fire-places, furnaces, ranges, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; and to regulate and prevent the carrying on of any manufactories dangerous in causing or promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

May take other precautionary measures to prevent and extinguish fires.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty years, and may elect its own officers, and form its own

May purchase engines and authorize formation of fire companies.

Number limited.

by-laws, not inconsistent with the laws o
the ordinances and regulations of said
be formed only by voluntary enlistment.
ber of each company hereby authorized
shall be exempt from highway work,
serving on juries, and from military du
continuance of such membership.

Exemption of members.

Meeting to nominate officers.

SECTION 4. There shall be a meeting
bers of said companies on the third Mon
in each year, at such place as may be
the mayor, when they may nominate an
to the common council for appointment,
gineer, and their assistant engineers, and
council shall thereupon confirm such non
the persons so appointed shall perform
the common council shall prescribe.

Shall nominate fire wardens.

SECTION 5. At the same time the me
company shall nominate, and the commo
appoint the same, four fire wardens, one
reside in each ward, and who shall per
ties as the common council shall presc
may at any time enter into or open an
house or other building or enclosure, fo
of inspecting the same, and with a w
against fire.

One half of fines payable to fire department.

SECTION 6. One-half of the net proc
fines or penalties recovered for the breac
nance, by-law, regulation, rule or order
suance of this chapter, shall be paid to t
ment.

Persons disobeying orders may be arrested.

SECTION 7. When any person shall
any lawful order of an engineer, fire-wa
alderman, at any fire, it shall be lawful
giving such order to arrest, or direct c
stable, policeman, or any citizen, to arres
and to confine him temporarily in any s
the fire shall be extinguished, and in the
such officers, or any of them may arrest
arrest and confinement of every person
who shall be intoxicated or disorderly;
son who shall refuse to obey any such la
who shall refuse to arrest or aid in arre
son so refusing, shall be liable to such
common council shall prescribe, not exc
dollars.

The penalty.

May organize sack company.

SECTION 8. The common council sha
to organize a sack company, which shall
sack company number one, to consist of
twenty members. Such company sha

part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Mineral Point, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires, they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Said company may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of this state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot and disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members or said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their office, and when any member of said company shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk, who shall preserve a record of all members of said company.

Shall act as special police.

At fires shall take charge of property.

Shall take oath of office.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city of Mineral Point shall continue to be and is hereby again invested as the lawful owner and successor of all the real and personal property and all the rights and privileges belonging to the corporation of the village of Mineral Point.

City to be successor of village.

SECTION 2. All work for the city or either ward thereof shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract.

All work to be let to lowest bidder.

SECTION 3. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, rules, orders, resolutions or by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt, for such penalty or forfeit-

How actions to recover penalties to be brought.

ure, stating the clause of this act, or the c
order, resolution or by-laws, under whic
or forfeiture is claimed, and to give the
in evidence under it.

Shall issue execution.

SECTION 4. In all such cases as is
section three of this chapter, executio
forthwith on the rendition of judgme
same be stayed or appealed according to

What execution shall require.

hereof and the laws of this state. The ex
is cases of *ex contractu*, shall require th
any such action, in case no goods or
or tenements, whereof the judgment ca
be imprisoned in the jail of Iowa county
of the city, for a term not exceeding th
the discretion of the municipal judge o
peace rendering judgment, unless the s
paid or discharged by the common cou

Not to make incompetent.

SECTION 5. No person shall be a
judge, justice, witness or juror by reas
an inhabitant of said city, in any proce
in which the city shall be a party in int

How process to be served against city.

SECTION 6. Whenever any suit or
commenced against said city, the servi
be made by leaving a copy of the pr
mayor, and it shall be the duty of the
with to inform the common council the
such other proceedings as the ordinance
resolutions or by-laws of the council ma

May hold and dispose of real estate.

SECTION 7. Said city may lease, pu
real or personal property sufficient for t
of the inhabitants thereof, and may se
the same, and the same shall be free fro

Effect of general laws.

SECTION 8. No general law contrav
visions of this act shall be considered
amending or modifying the same, unles
is expressly set forth in such law.

No salary to mayor or aldermen.

SECTION 9. No compensation or s
paid out of the city treasury to the ma
derman of said city for his services,
hereby prohibited from being in any ma
in any contract made by the authority o

Place of confinement for offenders.

SECTION 10. The use of the jail of
until otherwise provided, shall be grante
for the confinement of offenders, and
fender, unless sentenced to the city jail,
ered to the sheriff of said county, for w
safe keeping and delivery the said she
sponsible, as in other cases; but said co
incur or pay any liability or expense on

person committed to said jail for a violation of any ordinance, rule, order, resolution or by-law of said city, but such expenses shall be paid by the city.

SECTION 11. This act shall be considered a public act, and shall be construed favorably in all courts and places, and whenever in the same, any act or thing is directed or provided to be done, it shall be lawful to do and perform said act or thing, the same as though it were therein specifically authorized and declared to be lawful. A public act.

SECTION 12. An act entitled an act to amend an act entitled an act to incorporate the city of Mineral Point, approved March 2, 1857, and also, acts amendatory thereof, approved March 25, 1858, March 17, 1859, and March 2, 1860, approved March 16, 1861, and all acts amendatory thereof are hereby repealed. Repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1873.

CHAPTER 238.

[*Published March* 27, 1873.]

AN ACT to prescribe the powers, rights and duties of towns and cities holding stock in railway companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven of chapter one hundred and eighty-two of the general laws of 1872 is amended by adding to said section the following: The provisions of this section shall be held and deemed to apply to all cases where aid has been or hereafter may be voted and stock subscribed towards the construction of any railroad in this state, whether under the provisions of this act or any other law of a general or private nature. Amended—how provisions to apply.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 239.

[*Published M*

AN ACT to legalize the equalization, levy an taxes in the village of Shawano for the year 1

The people of the state of Wisconsin, repres and assembly, do enact as follows:

Equalization and levy legalized.

SECTION 1. The equalization, levy a of taxes for the year 1872, in the village upon all property in said village, includin attached thereto by chapter ninety-two o and local laws of 1872, are hereby lega clared valid, the same as if all the pro had been fully complied with, and any levied or attempted to be levied upon pr part or that territory by any authority o village of Shawano shall be held to be v force.

SECTION 2. This act shall take effe force from and after its passage.

Approved March 19, 1873.

CHAPTER 240.

[*Published M*

AN ACT relating to the publication of delin

The people of the state of Wisconsin, repre and assembly, do enact as follows:

Unlawful to publish tax list in transient paper.

SECTION 1. It shall be unlawful fo treasurer to insert a list of lands for n taxes, or for a county clerk to insert a li redemption, in any newspaper that has r larly published for at least two years p time for said publication of lists: *provid* shall not apply to any paper now in ex any county in which one newspaper h lished the required time.

Penalty for viotion.

SECTION 2. Any treasurer or clerk provisions of this act shall be liable for t

of his bond, one half to go to the county, and the balance to the party prosecuting the said [same].

SECTION 3. All acts or parts of acts in so far as they contravene the provisions of this act are hereby repealed.

SECTION 4. This act shall be in force from and after its passage

Approved March 19, 1873.

CHAPTER 241.

[*Published March* 25, 1873.]

AN ACT to legalize the assessment of real and personal property in the counties of Ashland and Bayfield.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessment legalized.

SECTION 1. The assessment of the real and personal property made for the year 1872, in the several towns in the counties of Ashland and Bayfield is hereby legalized and declared valid, and taxes levied upon the same shall be collected by law, the same as though the time and manner of assessment fixed by law had been fully complied with in making said assessment.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 242.

[*Published March* 27, 1873.]

AN ACT to provide for the sale of delinquent lands by county treasurers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When county treasurer must publish delinquent list.

SECTION 1. The several county treasurers of this state are hereby required to sell the delinquent lands which are subject to sale as now provided by law, on the second Tuesday of May, in each year, and the dis-

cretionary power heretofore given to the
cases to sell the same in September, is here
SECTION 2. This act shall take effe
force from and after its passage and publ
Approved March 19, 1873.

CHAPTER 243.

[*Published Ma*

AN ACT to provide for the settlement of the clai
tioned.

The people of the state of Wisconsin, represe
and assembly, do enact as follows:

Governor to appoint commissioners to sell certain claim.

SECTION 1. The gover r is hereby au
required to appoint three ommissioners,
terested persons and residents of the stat
have full power and authority to hear, tr
mine the claim for damages made by Morg
under the contract entered into by him w
and bearing date May 14, 1861, and for
may meet at such time and place as they
and having taken an oath to faithfully an
discharge the duties herein required, ma
mony of witnesses, and may also take in
tion the evidence adduced in a certain c
said Martin was plaintiff, and the Fox an
Improvement Company was defendant, an
office of the clerk of the circuit court o
of Brown, on the 31st day of December, 1

How fill vacancy in commission.

SECTION 2. In case a vacancy should
commission by death or otherwise, the
hereby authorized to fill the same, and u
made and certified by a majority of said co
to the secretary of state awarding any sum
satisfaction of said claim, and on his appr
he shall draw his warrant on the state trea
amount so awarded.

Per diem of commissioners.

SECTION 3. The per diem of said co
shall be ten dollars per day each, during t
may be engaged in the performance of the d
them, and they shall also be entitled to
ment for necessary travelling expenses, a
shall be paid by the claimant, and in n
chargeable to the state.

SECTION 4. There is hereby appropriated, out of any money in the general fund not otherwise appropriated, a sum sufficient to carry into effect the provisions of section two of this bill [act]: *provided*, that the same shall not be paid before February 1, 1874. Appropriated.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 244.

[*Published March* 25, 1873.]

AN ACT to enable the town of Grand Chute and the city of Appleton to settle their bonded indebtedness.

WHEREAS, The town of Grand Chute, A. D. 1855, issued its bonds to the amount of ten thousand dollars, pursuant to an act of the legislature of the state of Wisconsin, approved February 10th, 1854, entitled an act to authorize the towns therein named to subscribe plankroad stock; and Preamble.

WHEREAS, The validity of said bonds has been contested by said town, but such bonds have been declared to be valid by the supreme court of the United States; and

WHEREAS, The said town of Grand Chute and the city of Appleton are desirous of compromising with the holders of said bonds, and adjusting terms for the payment of the same; therefore,

The people of the state of Wisconsin, represented in senate assembly, do enact as follows:

SECTION 1. It shall be lawful for the common council of the city of Appleton and the board of supervisors of the town of Grand Chute to make and execute the joint bond or bonds of said city and town, and to exchange the same for any bond or bonds, or any coupons which have been cut off from any bond or bonds which were issued as aforesaid, or to use the same in payment or part payment, or for the purchase of any judgment or decree against said town and city, or either of them, and which judgment or decree may be founded upon any bond or bonds issued under said act, or any interest coupon or coupons originally at- Council and supervisors may execute joint bonds of city and town.

tached thereto, or any judgment or decree
entered thereon.

Council may execute city bonds, and exchange for bonded indebtedness.

SECTION 2. It shall also be lawful for
council of said city to make and execute
bonds of said city, and to exchange the
whole or any part of its *pro rata* share of
upon the bonds or detached coupons,
judgment or decree against said town or
of them, founded thereon, and the super
town of Grand Chute are also hereby au
empowered to issue the bond or bonds of s
exchange the same for the whole or any p
rata share of indebtedness upon said
tached coupons, or upon any judgment or
said town and city, or either of them fou

When bonds to become due, the rate of interest, the denomination and where payable.

SECTION 3. All bonds issued under t
of this act shall become due and payable
twenty years from the 10th day of Februa
shall bear interest at the rate of not exc
per cent. per annum, payable annually f
10th day of February, 1873, and they m
of such denomination as may be agreed
time of issue, and may be made payable
New York, or elsewhere, with exchange o
as the parties may agree at the time of iss
however, that the bonds to be issued to a
persons under the provisions of this a
exceed the amount due to such person or
on bonds which were issued under said act
10th, 1854, with the interest thereon, or
ments or decrees founded thereon, and th
terest on such judgments or decrees.

How indebtedness to be apportioned between town and city.

SECTION 4. The indebtedness outstand
ing upon all bonds or coupons issued pu
provisions of said act, or upon any judgm
founded thereon, shall be apportioned
town and city, and the *pro rata* share of
edness to be paid by said town and city
shall be ascertained and determined in the
vided in section sixteen of sub-chapter te
one hundred and thirty-two of the priva
laws of this state, approved March 2d, 1
an act to incorporote the city of Appleton,
(if any) amendatory thereof: *provided*, th
any portion of said indebtedness has hereto
shall hereafter be apportioned between sa
city, by the judgment or decree, shall be c
to the proper *pro rata* share of the said
the said city of the indebtedness so app

Previous apportionment to be conclusive, as to pro rata share of town and city.

aid court; *and provided further*, that it shall be competent for the supervisors of said town and the common council of said city, at any time hereafter, to gree upon a different basis for the apportionment of he said indebtedness or any part thereof, between the aid town and the said city, and to fix and determine he percentage thereof to be assumed and paid by the aid town and city respectively; and such agreement, vhen so made, shall thereafter be final and conclusive ipon both the said town and the city. Such agreement, when made, shall be in writing and signed by a majority of the supervisors of said town and a majority of the members of the common council of said city, and the same may be recorded by the clerk of said town and the city clerk of said city in the records kept by them respectively.

Different basis may be agreed upon, in writing.

SECTION 5. The said town and city shall be severally liable to the holder thereof for the whole amount of principal and interest, payable upon any such joint bond as the same becomes due; and in case either the said town or city shall fail to pay its the *pro rata* share of such bond or interest as the same becomes due, an action may be maintained for the amount due and unpaid against both the said town and city to recover the amount so due and unpaid.

The town and city to be severally liable upon joint bonds.

SECTION 6. It shall be lawful for the said town or the said city to pay the whole amount of principal or interest on any such joint bond or bonds as the same becomes due and payable; and in case either party shall pay voluntarily, or otherwise, more than its *pro rata* share of indebtedness upon any such joint bond, the excess so paid, with interest thereon at the rate of ten per cent. from the time of such payment, shall be paid by the party in default to the party making such payment, and the same may be recovered in an action at law by the party entitled thereto; and in addition thereto, the party making such payment shall have the same remedy to enforce its collection as is herein provided for the collection of interest or principal by the holders of any bond issued pursuant to the provisions of this act.

Town or city may pay whole amount, and recover back amount over its pro rata share.

SECTION 7. In case the supervisors of said town, or the common council of said city, shall exchange any bond or bonds provided for in section two of this act, for any of the bonds, interest, coupons, judgments or decrees mentioned in section two, the same shall be deemed, as between said town and city, a payment upon and towards its pro rata share of such indebtedness to the amount of principal and interest outstand-

Exchange of bonds for indebtedness to be considered as payment of pro rata share.

ing upon such bond, coupon, judg
received in exchange at the time or t
be received. And if at any time b
town or city shall pay any sum or
or on account of its liability upon
est coupons so issued, or upon any
heretofore rendered or entered, or
dered, as entered upon any such b
excess of its pro rata share of such
excess so paid, with interest thereo
from the time of payment, may b
other party, and the party paying
have all the remedies for the collec
are provided for in this act for the
est or principal, by the holder of an
suant to the provisions of this act.

Town or city may recover any excess it may pay of its pro rata share.

Shall levy annual tax to pay bonds and coupons maturing for each year.

SECTION 8. There shall annually
city of Appleton and town of Grand
all the taxable property of said city
ively, sufficient to raise in the aggreg
to pay all bonds and coupons mat
succeeding year, and collect its pro r
taxes for the same year, and the mo
so much thereof as may be necessar
to the payment of the interest which
time during the next year succedin
the bonds that may be issued pursu
ions of this act; and the balance of
used in the purchase or payment o
of said bonds, so far as said money b
purpose, in the manner hereinafter
case the supervisors of said town, or
cil of said city, shall neglect to direc
ensuing year, it shall be the duty of
said town, or the city clerk of said
order or direction from the supervis
the common council of said city, to
the next assessment roll, with other
share of such town or city, as the ca
sum of eighteen thousand dollars;
duty of the town treasurer of said
treasurer of said city, to collect the s
as the same appears on the assessmen
in the same manner as other taxes ar
And if the town clerk of said town, o
said city, shall neglect or refuse to le
rata share of such tax, as provided in th
be personally liable therefor to the p
titled to such money, and each and e

If supervisors or council neglect to levy said tax, the town or city clerk shall place it in assessment roll without order.

If said clerks neglect to levy, they shall be liable for amount.

ing or owning any of said bonds or coupons, may recover against such clerk the amount of money due and owing thereon, and which amount the said clerk omitted to insert in such tax levy.

Additional sums may be levied for the purchase of bonds.

SECTION 9. It shall be lawful for the supervisors of said town, or for the common council of said city, to levy upon the taxable property within said town or city, such sum as the said supervisors or common council may think proper, in addition to the moneys provided for in the eighth section of this act, and the same shall be collected in the same manner as other taxes are collected, and when collected the moneys shall be used only for the payment or purchase of bonds authorized to be issued by this act.

All moneys collected under this act, to be used only for purposes herein named.

SECTION 10. All moneys collected or received under and pursuant to the provisions of this act, shall be used for the purpose of paying the principal and interest upon the bonds hereby authorized to be issued, and for the purchase of such bonds, and shall be treated as a separate fund for that purpose, and the same shall not be liable for the payment of any other debt or demand against said town or said city; and the same shall not, nor shall any part thereof, be paid out or expended for any other purpose except as is provided in the eleventh section of this act.

If money in the treasury is not sufficient to pay bonds falling due, may make temporary loan.

SECTION 11. If, at the time any interest on said bonds is about to fall due, there is not sufficient money in the treasury of said town or city to pay its share of interest on said bonds jointly issued, or the interest on its separate bonds, it shall be the duty of the supervisors of said town, or the common council of said city, as the case may be, to borrow from the general funds in the town or city treasury, or from any other person or party, a sum sufficient to meet the deficiency, and for that purpose may issue town or city orders, payable out of said trust fund, bearing interest at a rate not exceeding ten per cent., and due not more than six months after the date of such order.

If treasurer fail to collect sufficient money, may transfer from general fund to trust fund.

SECTION 12. In case the treasurer of said town, or the treasurer of said city, shall fail, during any year to collect the full amount required or authorized by this act, to be collected before the 10th day of February next succeeding the date of his tax warrant, the said treasurer shall transfer from the moneys in his hands belonging to the general fund of said town or city, to said trust fund, an amount sufficient to supply the deficiency, so that there will be in his hands, belonging to the fund provided by this act, the same amount there should or would have been if said tax had been collected in full

before the return of such delinque
money thus transferred shall thereupo
tute a part of said fund, and shall be
posed of in the same manner as mo
virtue of this act, and any money s
general fund or transferred from th
the said trust fund may be repaid, w
the general fund out of any money i
longing to said trust fund, at any t
10th day of February and the 1st o
in any year: *provided*, that there sh
treasury belonging to said trust fund
ly to pay all interest coupons which a
such there be) and which are prope
said trust fund.

May return to general fund without interest.

SECTION 13. Nothing in this act
to forbid making said bonds payable
as may be agreed upon by the partie

May be payable when agreed upon.

SECTION 14. There shall be levie
of the town and city, which are to b
prior to the time the principal sum o
become due, a sum sufficient to pa
amount of principal and interest pay
and city respectively, upon the bond
to the provisions of this act, and wh
ing at the time of such levy, and t
paid over in satisfaction and discharge
principal and interest.

Shall levy sufficient to pay off full amount.

SECTION 15. No compensation sh
the treasurer for making a transfer of
the general fund, as hereinbefore prov
ing out the same after such transfer.

No compensation to treasurer for transfer of funds.

SECTION 16. The coupons for in
bond or bonds issued under the prov
becoming due on or before the 10th
next, succeeding the levy of any ann
town or city, shall be receivable by t
spectively of said town or city in pa
provided, said bonds are issued jointly
and city and by the treasurer of said
said bonds are issued by said town, o
of said city so far as said bonds are is

Coupons receivable for taxes.

SECTION 17. If the clerk of said t
of said city, or the treasurer of said to
urer of said city, shall fail to perform
posed upon him by this act, he shall b
officially liable to any person who is t
the full amount of money which suc
have been entitled to receive had

Liability of clerks and treasurers for failure to perform their duties.

formed his said duty imposed by this act, to be recovered in any court having jurisdiction thereof.

To whom bonds payable, and how they shall be executed.

SECTION 18. The bonds issued pursuant to the provisions of this act, shall be payable to —— or bearer, and shall be negotiable and shall pass on delivery, and without any indorsement whatever. The joint bonds of the town and city (if any such shall be issued) shall be signed by the mayor of the said city and the chairman of the supervisors of said town, and shall be countersigned by the clerk of said city and the clerk of said town. The separate bonds of the city shall be signed by the mayor and countersigned by the clerk of said city; and the separate bonds of the town shall be signed by the chairman of the supervisors of the town and countersigned by the clerk of said town, and all of said bonds shall be regarded as sealed instruments, whether the same shall actually be sealed or not.

City clerk to keep record of bonds issued.

SECTION 19. The clerk of the city of Appleton shall keep a record in a book to be provided and kept for that purpose, in which he shall enter the date and number of each and every bond executed by the mayor and clerk in behalf of the city, pursuant to the provisions of this act, the amount of the principal sum payable upon every such bond, the place of payment, the name of the payee, the time of the delivery of such bond, and the person to whom the same was delivered; and whenever any payment of interest or principal shall thereafter be made by said city upon any such bond, the amount and time of such payment shall be entered by the city clerk in the proper place upon such record, and a like record shall be kept by the town clerk of all bonds executed by the chairman of supervisors and the town clerk of said town for and in behalf of said town of Grand Chute.

Shall enter time and amount of payments.

Treasurer shall enter date of receipt of coupons for taxes.

SECTION 20. If any interest coupons are received for taxes by the treasurer of said town or by the treasurer of said city, in the manner provided in section fifteen of this act, the same shall be deemed paid at the time they are received by such treasurer, and the said treasurer shall enter upon every such coupon the date at which he received the same, and upon the settlement of his accounts, the said treasurer shall be credited with the amount payable upon such interest coupons so received by him.

Not to hinder defense.

SECTION 21. Nothing herein contained shall be construed to hinder the interposition of such defense to any outstanding bonds or coupons of said act of February 10, 1854, as said town and city, or either of them, may be advised.

SECTION 22. This act shall take
force from and after its passage and p
Approved March 19, 1873.

CHAPTER 245.

AN ACT to authorize Alvin N. Bugbee, A
Henry Sines, D. H. Forbes and J. G. Clar
tain a dam across a fork of the north bran

The people of the state of Wisconsin, re
and assembly, do enact as follows:

May build and maintain dam.

SECTION 1. Alvin N. Bugbee, Al
Henry Sines, D. H. Forbes, J. G.
Clark, their heirs and asignees, are
and empowered to erect, keep up and
across a fork of the north branch of W
northwest quarter of the northeast
thirty-three (33), town thirty-nine (
eighteen (18) west, in the county of
purpose of flowing a cranberry marsh
and for such other purposes as may
in the operation of said marsh.

Not to flow lands belonging to other parties.

SECTION 2. Said dam may be of
to give a head of water not to excee
point where the same is located: *pr*
this act shall be so construed as to a
ties or either of them, of their succe
them, to flow any lands of the state o
ual other than those named herein,
without making compensation there
vided by law in relation to mills and

SECTION 3. This act shall take eff
from and after its passage.
Approved March 19, 1873.

CHAPTER 246.

[*Published March* 27, 1873.]

AN ACT relating to railroads, and amendatory of section ten of chapter one hundred and nineteen of the general laws of 1872, entitled an act in relation to railroads and the organization of railroad companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That section ten of chapter one hundred and nineteen of the general laws of 1872, entitled "an act in relation to railroads and the organization of railroad companies," is hereby amended so as to read as follows: Section 10. As often as any contractor for the construction of any part of a railroad which is in progress of construction, shall be indebted to any laborer for thirty or any less number of days' labor performed in constructing said road, either for manual or team labor or both, including team and driver, such laborer may give notice of such indebtedness to said company in the manner herein provided; and said company shall thereupon become liable to pay such laborer the amount so due him for such labor, and an action may be maintained against said company therefor. Such notice shall be given by said laborer to said company within twenty days after the performance of the number of days' labor for which the claim is made. Such notice shall be in writing and shall state the amount and the number of days' labor, and the time when the same was performed for which the claim is made, and the name of the contractor from whom due, and shall be signed by such laborer or his attorney, and shall be served on an engineer, agent or superintendent employed by said company having charge of the section of road on which such labor was performed, personally, or by leaving the same at the office or usual place of business of such engineer, agent or superintendent, with some person of suitable age. But no action shall be maintained against any company under the provisions of this section, unless the same is commenced within thirty days after notice is given to the company by said laborer, as above provided: *provided*, that nothing in this act contained shall be construed to extend to or affect in any manner, any actions now pending in this state.

Amended—how laborer on railroad may enforce collection of his wages.

How notice of indebtedness to be given and served.

Must be commenced within thirty days.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 247.

[*Published*

AN ACT to repeal chapter three hundred a
laws of 1860, entitled an act requiring publ
proposed special or local legislation.

The people of the state of Wisconsin, rep
ate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter three hundred
the general laws of 1860, entitled "
publication of notice of proposed speci
lation," is hereby repealed.

SECTION 2. This act shall take effec
its passage and publication.

Approved March 19, 1873.

CHAPTER 248.

[*Published*

AN ACT to amend chapter one hundred and
eral laws of 1869, entitled "an act in relati
the county Milwaukee."

The people of the state of Wisconsin, repr
and assembly, do enact as follows:

Amended—judges may appoint criers—duties and compensation of the crier.

SECTION 1. Section one of chapte
and fifteen of the general laws of 186
act in relation to the courts of the
waukee," is hereby amended so as to
Section 1. The judge of the circuit c
cipal courts, respectively, of the county
are hereby authorized to appoint, eac
court, a crier, whose duty it shall b
adjourn court, to assist in preserving
and to act as messenger of the judge of
shall hold his office during the pleasu
appointing him, and shall receive for hi
dollars per diem during his actual atten
to be paid out of the county treasury o
Milwaukee: *provided*, that such crier sl
compensation as deputy sheriff, nor f

more than one court, and not to exceed eight hundred dollars in the aggregate during any one year.

SECTION 2. Section two of said chapter is hereby amended so as to read as follows: Section 2. The sheriff of Milwaukee county is hereby required to keep in attendance upon each of said courts during the session thereof as many deputy sheriffs as the judge of said court shall require and no more, and each deputy sheriff in actual attendance upon said courts shall receive for such, and for actual attendance only, four dollars per diem, to be paid out of the county treasury of said county: *provided*, that no more than nine deputy sheriffs shall draw compensation under this act for services rendered upon any one day, and that when any deputy sheriff shall have drawn eight hundred dollars for services rendered during the current year, his compensation shall cease, notwithstanding that he shall be required to service [serve] to the end of the current year; *and provided further*, that neither crier nor deputy sheriff shall receive compensation for any day when the court shall not have been in session, doing business; *and provided further*, that when any deputy sheriff or crier of the court shall have drawn the sum of seven hundred dollars, he shall draw no more until the end of the current year.

Amended—sheriff shall keep deputies in attendance upon court.

The number and compensation limited.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 249.

[*Published March* 27, 1873.]

AN ACT to amend chapter one hundred and forty-one, general laws of 1872, entitled "an act to amend chapter fifty-five of the general laws of 1871, entitled an act to amend section twenty of chapter one hundred and forty-one of the revised statutes, entitled 'actions for the recovery of real property,' approved March 25, 1872."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and forty-one of of the general laws of 1872, is hereby amended so as to read as follows: The court in which any judgment for the recovery of any specific real property or the

Amended—judgment to be vacated upon application and payment of costs.

possession thereof has been or shall be r
time within one year thereafter, upon t
of the party against whom the same wa
heirs and assigns, and upon payment o
covered thereby, shall vacate such judgm
a new trial in such cause: *provided, ho*
fore any such new trial shall be grantec
parties applying for such new trial shall
taking in such sum as the court shall di
and sufficient surety or sureties, who sha
their oath their responsibility in like r
upon arrest, conditioned to pay all costs
including the mesne profits that may
against such party or parties upon the fi
tion of the case; *and provided furthe*
cause shall, within one year after such j
have been taken to the supreme court, u
writ of error, the time during which said
ing and remaining in the supreme cour
cluded from and be no part of the yea
application to vacate such judgment and
trial shall be made as aforesaid; *and pr*
that if the judgment of the circuit cou
in the supreme court of the state on such
of error, and such cause be or have bee
supreme court of the United States on
of error, the time during which said su
and remaining in said supreme court
States shall be excluded from and be r
year within which application to vacate
and grant a new trial shall be made as af
more than one new trial shall be grant
section.

Shall file undertaking before new trial is granted.

Time suit is in supreme court of this state or of the United States, not to be included.

SECTION 2. This act shall take effect
its passage and publication.

Approved March 19, 1873.

CHAPTER 250.

[*Published March* 29, 1873.]

AN ACT in relation to claims against the county of St. Croix for invalid tax certificates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In any case where the county of St. Croix, by its agents or officers, has sold or assigned, or shall hereafter sell or assign any tax certificates at less than the face value thereof, with accrued interest, and any such tax certificate shall be claimed by the owner or holder thereof to be invalid, it shall not be lawful for the owner or holder thereof to present a claim against the county for a greater amount than was paid to said county for the tax certificate, with seven per cent. interest thereon, and no officer or agent of said county shall pay to the holder of such a certificate a greater amount for the same than is provided for in this section.

Holder of tax certificates not to collect greater amount than was paid for the same.

SECTION 2. In case any claims shall be presented against said county for invalid tax claims on lands certified to the state of Wisconsin, as belonging to the Fox and Wisconsin Improvement Company, for tax claims against said lands, sold by said county to C. Y. Denniston and others, it shall be the duty of the circuit judge, on the application of said county, to certify to the supreme court a new and corrected bill of exceptions, in the case of C. Y. Denniston et al., against the "unknown owners," and of the supreme court to grant a new argument of said case, in which the decision of the circuit court, affirming the validity of said tax claims, was reversed, and the county of St. Croix shall be permitted to appear by attorney in all such proceedings.

Circuit judge to certify new and corrected bill of exceptions.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 251.

[*Publishe*

AN ACT to authorize the city of Milwaukee extend the time for payment of certain

The people of the state of Wisconsin, rep and assembly, do enact as follows:

May negotiate with holders of railroad bonds, for settlement.

SECTION 1. The commissioners of and the mayor and comptroller of the s power to negotiate with the holders of said city heretofore actually issued, legally issued, to the Milwaukee and S Company, and to the Milwaukee and Company, respectively, and of the bonds for the settlement and surrende and coupons, or any or either of them tainable terms in each case, and to n with such holders for such settlemen and for that purpose, to employ any in the premises to act by or under the direction, and to take such other steps as they shall deem convenient or neces ises, for the settlement and surrender o coupons.

May issue bonds of the city to carry out the terms of the settlement.

SECTION 2. Authority is hereby gr city for the purpose mentioned in t section, in addition to all the power the said city now existing, to issue th city provided for by section fifteen of seven of the general laws of the ye "an act to enable the city of Milwauk corporate debt," approved March 19, 1 provisions of that act for the payment interest of bonds to be issued under i the bonds hereby authorized to be i

Limit of amount of bonds.

same shall have been issued: *provid* the principal of the bonded debt of t cluding the bonds already issued un mentioned, and the water bonds of the and authorized by law to be issued, a city bonds issued, and the bonds he shall not, together, exceed five per ce sessment roll of the said city as provide of chapter one hundred and six of the p laws of the year 1871.

SECTION 3. Authority is hereby also granted to the common council of the said city, for the purpose mentioned in this act, and in addition to or instead of the bonds mentioned in the last preceding section, to authorize by ordinance the issue of certificates or scrip in such amounts as may be convenient or necessary, not exceeding in the whole two hundred and fifty thousand dollars ($250,000), and whereof a sum not exceeding fifty thousand dollars ($50,000) shall be payable on each first day of February in the years 1874, 1875, 1876, 1877 and 1878. Such certificates or scrip shall bear such rate of interest not exceeding seven per cent. per annum as the said common council shall from time to time determine, and the interest shall be payable annually, on each first day of February as aforesaid. All the provisions of chapter eighty-seven of the general laws of the year 1861, for the payment of the principal and interest of the bonds thereby authorized, shall apply to the certificates or scrip hereby authorized, so far as the same shall be applicable. Such certificates or scrip shall be signed by the commissioners of the public debt and countersigned by the comptroller of the said city; and it shall be the duty of the common council of the said city, at the time of levying taxes in each preceding year to levy a tax sufficient to pay the principal and interest of such certificates or scrip, payable on the first day of February next following.

May authorize the issue of certificates or scrip.

The rate of interest limited.

How interest and principal to be paid.

How to be executed.

SECTION 4. The commissioners of the public debt, and the mayor and comptroller of the said city, shall have power to negotiate with all persons interested, for the compromise, settlement and release of all securities of every kind and description held by the said city, as collateral security or otherwise to indemnify or secure it for the issue of the bonds mentioned in this act, or any or either of them, or against liability under such bonds, or any or either of them, or which the railroad companies mentioned in this act, or either of them or the officers or agents of the said railroad companies or either of them, or any other persons acting for the said railroad companies, or either of them, made, executed or delivered to the said city or any of its officers as collateral security or otherwise, to indemnify, or secure the said city for the issue of the bonds last mentioned, or any or either of them, on the best attainable terms in each case, and to make agreements with such persons so interested for the compromise, settlement or release of all such securities or any of them.

May negotiate for the release of all securities held as collateral.

SECTION 5. This act shall take ef
from and after its passage.
Approved March 19, 1878.

CHAPTER 252.

AN ACT to authorize Aaron M. Chase to
two dams upon the Totogatic river, and
logs.

The people of the state of Wisconsin,
and assembly, do enact as follows:

May build and maintain dam in township 43.

SECTION 1. That Aaron M. Cha
be and are hereby authorized and e
and maintain a logging dam across
in township number forty-three (4
and to charge, collect, sue for and re
use of the waters collected by said d
cents per thousand feet upon all log
river above or east of the line betwe
and ten (10).

May build and maintain dam in township 42.

SECTION 2. That said Aaron M
authorized to build and maintain a
togatic river in township number
range twelve (12), and to charge, coll
cover tolls for the use of the waters
dam, the sum of five cents per thou
logs hauled into and driven down
river.

The privileges and restrictions

SECTION 3. That said dams shall
kept under the same rules, rights,
strictions as are or may be prescrib
nance of the dams of the St. Croi
dams, so far as the same may appl
thorized by this act.

Tolls to be a lien.

SECTION 4. That the tolls authoriz
be a lien upon the logs subject to th
may be enforced in the same manner
upon logs are enforced under the gen
consin.

SECTION 5. This act shall be i
after its passage.
Approved March 19, 1878.

CHAPTER 253.

[*Published April* 1, 1873.]

AN ACT to provide for the drainage of certain lands in Brown county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That portion of the drainage fund now accrued and hereafter accruing to the county of Brown shall, when paid over by the state treasurer, be retained in the county treasury of said county in a separate fund, to be called "the county drainage fund;" the said fund shall be appropriated solely to the purpose of draining the three principal swamps in said county, to wit:

Drainage fund to be paid over to state treasurer and how appropriated.

First. The swamp adjacent to the boundary line between the towns of Scott and Humbolt.

Second. The swamp embraced or partly embraced within the limits of the towns of Holland and Morrison.

Third. A certain swamp lying in the town of Suamico.

SECTION 2. The couty superintendent of highways shall, as soon as may be after the passage of this act, make an examination of said swamps and report to the county board of said county, filing such report in the office of the county clerk on or before the first day of August, A. D. 1873, and stating therein what in his opinion will be the cost of constructing such main ditch through each of said swamps as shall be most necessary for the drainage thereof, specifying also the extent and dimensions and course of such ditch, and for such service shall receive due compensation from said fund.

Superintendent of highways to examine and report cost of draining swamps.

SECTION 3. The county board of supervisors shall, at their first meeting held subsequently to the filing of said report, proceed to take such steps as they deem suitable for letting contracts for constructing said ditches, to the lowest and best bidder, and upon certificate from the county superintendent of highways that the work is duly completed, orders shall be drawn for the payment of the contractor or contractors from said fund.

County board shall let contract for draining.

SECTION 4. In case the amount of the county drainage fund, for any one year, shall be insufficient to construct more than one of said ditches, then the board

If fund is insufficient, only one ditch shall be contracted for at a time.

shall order and contract for [work] upon only one of said ditches until completed, and shall thus proceed fr or from time to time, until the three been constructed, and shall proceed i nated in the first section of this ac heretofore mentioned shall be execu man of the county board of superv the county.

SECTION 5. This act shall take eff from and after its passage.

Approved March 19, 1873.

CHAPTER 254.

[*Publish*

AN ACT to repeal chapter nineteen of the entitled "an act to amend an act to prov county highways in Brown county, and such system by other counties."

The people of the state of Wisconsin, re and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter nineteen of of 1871, entitled "an act to amend dred and seventeen of the general la tled 'an act to provide for a systen ways in Brown county, and for the system by other counties,'" is hereby

SECTION 2. This act shall take eff its passage and publication.

Approved March 19, 1873.

CHAPTER 255.

[*Published March 27, 1873.*]

AN ACT to amend section sixteen, chapter thirty-five of the revised statutes, entitled of license moneys.

The people of the state of Wisconsin, represented in senate and and assembly, do enact as follows:

How license moneys in Green and Green Lake counties to be disposed of.

SECTION 1. All moneys hereafter derived from licenses granted in the several towns, cities and villages of Green and Green Lake counties, in pursuance of chapter thirty-five of the revised statutes, shall, when paid into the treasuries of the several towns, cities and villages of said counties where such licenses are granted, be held and disposed of in the same manner as the general town, city and village funds are now disposed of by law, any law to the contrary notwithstanding.

SECTION 2. This act shall take effect and be in force on and after its passage.

Approved March 19, 1873.

CHAPTER 256.

AN ACT to amend chapter forty-five of the private and local laws of 1871, entitled "an act to incorporate the Wausau Boom Company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—stockholders not to have preference in storage of logs.

SECTION 1. Section fifteen of chapter forty-five of the private and local laws of 1871, is hereby amended so as to read as follows: Section 15. The stockholders of said company shall have no preference over any other persons in the storage of their logs and timber in said boom, and all prize or unmarked logs that may come into said booms shall belong to said company, and shall be sold at public auction in the month of April in each year, after giving ten days' notice thereof, in a newspaper published in said county, and the proceeds thereof shall be paid to the treasurer of said company upon demand, at the end of each month.

Proceeds of all sales to be paid into the treasury of the company.

Said logs to be scaled at the lower
the scaler, for the purpose of ascertai
due.

Repealed.

SECTION 2. Sections seventeen, tw
and twenty-two of said chapter fort
repealed.

Amended—shall have right to use sloughs.

SECTION 3. Section twenty-three
forty-five is hereby amended so as to
Section 23. Said company shall, at
right to use the slough between the
McIndoe's island and the head of Cla
river in said section twenty-six, for the
ning logs through the same to the gu

How piers and booms to be located.

SECTION 4. After the passage of
or boom shall be located or constru
pany less than eighty feet from the sh
at low water mark.

Amended—capital stock of the company—may be increased.

SECTION 5. Section two of said
amended so as to read as follows: Th
said company shall be twenty-five th
shares of fifty dollars each, and the
shall have power at any time, whenev
value of the stockholders shall deem
ble, to increase the said capital sto
not exceeding in the whole one hund
lars, and said stock shall be made t
books of said company in such mann
shall direct.

SECTION 6. This act shall take
force from and after its passage and p

Approved March 19, 1873.

CHAPTER 257.

[*Publis*

AN ACT to provide for an investigation of t
agement of the Mineral Point R

The people of the state of Wisconsin, re
and assembly, do enact as follows:

Governor to appoint commissioner to investigate management of Mineral Point railroad.

SECTION 1. That the governor be,
authorized to appoint a commisioner, w
be, and who shall have and is hereby
authority to fully and thoroughly inv
the present owner or owners of the s

railroad, being also owners of, and controlling large sums of the indebtedness of the people of Iowa county, created to aid in building said road, are using the power and franchises conferred by the charter of said company, and so operating their road as to be extortionate, unaccommodating and oppressive upon said people, to compel them to pay said claims, or to suffer in their general affairs, business and prosperity, under such misuse and abuse of the privileges granted by the state in said charter, and all matters and things connected therewith, or with said railroad.

Commissioner may examine witnesses, books, records, etc.

SECTION 2. The commissioner appointed under the provisions of the first section of this act shall have power, and he is hereby authorized, invested and charged with power to examine, on oath, all the officers, employes and claimants, or owners of said railroad, and all its books, records, documents and papers, and all or any other witnesses he may deem necessary, either in or out of the state, in regard to all matters connected herewith, to send for persons and papers, to issue process to compel their appearance and production, to administer oaths, to appoint a competent clerk, and to do such further acts and things as may be necessary in the premises; and any person or persons who shall refuse to obey the process of said commissioner, or who shall refuse to answer any question pertinent to such investigation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail of the county where he resides, for not more than one year nor less than three months, or by a fine, not more than one thousand dollars nor less than two hundred dollars, or both, in the discretion of the court, the said penalties to be enforced in the circuit courts of the state, on the information of the district attorney of the county where such recusant witness may reside.

Penalty for refusal to testify.

The people and company may appear by attorneys,—notice to be given

SECTION 3. The said Mineral Point railroad and the people of Iowa county may be represented by attorneys before said commissioner during said investigation. At the request of either of the attorneys, the said commissioner shall give notice of the taking of testimony out of the state on verbal or written interrogatories, according to the practice of the circuit courts of the state in relation to taking testimony out of the state; and any sheriff or deputy sheriff of any county of this state shall serve and return the subpœna and processes which may be issued by the said commissioner under the authority of this act, in the same

Who serve subpœna.

manner as he is required to serv
issued from the circuit courts of thi

Commissioner shall return testimony and make report.

SECTION 4. The said commissi
pointed shall return the testimony
in regard to said matter, together w
conclusions thereon, to the governo
next meeting of the legislature: *pr*
gation shall in no case be any expe

SECTION 5. This act shall take e
from and after its passage and publ

Approved March 19, 1873.

CHAPTER 258

[*Publi*

AN ACT to prevent the indecent

The people of the state of Wisconsin,
and assembly, do enact as follows:

Bathing in waters within village or city limits punishable.

SECTION 1. Any person or pe
found bathing in any pond or stre
the limits of any village, or within
dwelling house or building used as
or public highway, between the ho
the morning and eight o'clock in th
deemed guilty of an indecent expo
shall be subject to a trial and fine
tion one, chapter one hundred and
laws of 1859.

Shall be arrested.

SECTION 2. It shall be the duty
stable or police officer to arrest an
committing any acts "of indecent e
and to bring him before a justice of
justice of the proper county, to be p
ished as provided by law.

SECTION 3. This act shall take e
from and after its passage and publ

Approved March 19, 1873.

CHAPTER 259.

AN ACT to repeal chapter three hundred and thirty-nine of the private and local laws of 1870, amending the charter of the Apple River Log Driving Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter three hundred and thirty-nine of the private and local laws of 1870 is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 260.

[*Published March 25, 1873.*]

AN ACT to authorize the common council of the city of Janesville to annually levy and collect taxes, not exceeding seven thousand, five hundred dollars, to defray the current expenses of said city, and such other expenses thereof as are not otherwise especially provided for by law, in lieu of the five thousand dollars which said common council are now authorized by law to annually levy and collect for said purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Janesville are hereby authorized and empowered to annually levy and collect taxes, not exceeding seven thousand, five hundred dollars on the assessed value of the real and personal estate in said city, made taxable by the laws of this state, to defray the current expenses of the city, and such other expenses thereof as are not otheriwse especially provided for by-law, which taxes shall constitute the general fund of said city, and be in lieu of the five thousand dollars of taxes which the common council of said city are now by law authorized to annually levy and collect for the purposes aforesaid. Amount of annual tax to be levied for current expenses, etc.

SECTION 2. The common council of the city of Janesville, upon the written recommendation of the board of education of said city, is hereby authorized Council may levy tax to build school house in fourth ward.

and empowered, by a vote of a majorit
bers, to raise and appropriate money to
house (and if necessary, to purchase a si
the fourth ward of said city, and to lev
according to law, upon the taxable pr
city, and at such time or times as said co
shall deem best, such sum or sums of m
be necessary for that object.

Board of education may contract for the erection of said building.

SECTION 3. The board of education
Janesville is hereby authorized and requi
said council shall appropriate money fo
named in the first section of this act,
otherwise, to erect a suitable school hous
the same for the use of said fourth ward,
eys raised for that purpose shall be depo
treasurer of said city, and be drawn and
the board of education, in the same m
provided in section nine, chapter eight of
hundred and seventy-four of the local la
sin for 1866.

Council may borrow money and issue school bonds therefor.

SECTION 4. In case the common c
city shall deem it expedient or best, th
Janesville is hereby authorized and em
vote of a majority of the members of sa
borrow money and issue city bonds the
terest coupons attached, in the usual fo
the mayor and countersigned by the cler
and denominated "school bonds," not e
hundred dollars each, nor in the aggreg
the sum of fifteen thousand dollars, and
est not exceeding ten per cent. per annu
ble annually, the principal payable wit
from the date of said bonds, at such tim
said common council shall direct, and th
city is hereby pledged for the payment o
principal and interest, and the proceeds o
said bonds shall be deposited with the tre
city, to be drawn and disbursed by the b
cation, for the purpose and in the manne
the second section of this act.

Amount of bonds limited, and where and how payable.

SECTION 5. All acts and parts of ac
with the provisions of this act (*be and*
hereby superseded and repealed.

SECTION 6. This act shall take eff
force from and after its passage and publi

Approved March 19, 1873.

CHAPTER 261.

AN ACT to amend chapter five hundred and eight of the private and local laws of 1868, entitled "an act to incorporate the Wagon Landing Cemetery Association."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven of said chapter five hundred and eight of the private and local laws of 1868, is hereby amended so as to read as follows; Section 7. The secretary or president or either of the trustees of said association may call a meeting by giving three days' notice of the time and place of said meeting. Amended—may call meeting.

SECTION 2. All elections of officers of said association heretofore held are hereby legalized, the same as though they had been elected as provided in said chapter five hundred and eight, private and local laws of 1868. Legalized.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 262.

AN ACT to amend section four of chapter eighty-seven of the laws of 1873, entitled "an act granting to Albert Taylor the right to establish and maintain a ferry across the Mississippi river from some point above the limits of the village of Alma, in Buffalo county, and the mouth of the Chippewa river, in Pepin county, to the opposite shore in the state of Minnesota."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of chapter eighty-seven of the laws of 1873, entitled an act granting to Albert Taylor the right to establish and maintain a ferry across the Mississippi river from some point above the limits of the village of Alma, in Buffalo county, and the mouth of the Chippewa river, in Pepin county, to the opposite shore in the state of Minnesota, is hereby amended so as to read as follows: Section 4. The rates charged for crossing at said ferry shall not exceed the following: For each vehicle drawn by two horses, mules or oxen, loaded or unloaded, with or without a Amended. Rates of ferriage.

driver, the sum of seventy-five cents
ses or mules, in droves, the sum of fi
For each foot passenger, the sum o
swine or sheep, in droves, the sum o
On all freight, merchandize or other
teams, at the rate of twenty-five ce
pounds, when the same is delivered b
does not exceed two hundred poun
excess of two hundred pounds, at the
per hundred pounds; on all lumber a
cents per thousand feet: *provided, hou*
the above rates may in all cases be
the hours of seven o'clock, P. M., and

When may charge double rates.

SECTION 2. This act shall take
force from and after its passage and pu

Approved March 19, 1878.

CHAPTER 263.

[*Publishe*

AN ACT to prescribe the measure of damag
for the wrongful cutting of ti

The people of the state of Wisconsin, re
and assembly, do enact as follows:

Owner to recover highest market price for timber wrongfully cut on his premises.

SECTION 1. In all actions hereaft
any of the courts of this state to recov
of logs, timber or lumber wrongfully c
of the plaintiff, or to recover the value
ages for such cutting, if the plaintiff
shall, unless possession of such proper
him, recover as damages the highest
such logs, timber or lumber, in whatso
or condition, manufactured or unma
same may be between the time of such
time of the trial of the action, and whi
the possession of the party so cutting
purchaser thereof with knowledge o
cutting: *provided*, that the defendant
days after the service of the complain
serve upon the plaintiff an affidavit th
was done by mistake, and a tender of
certain as being the full value of such
lumber at the time the same were cut, w
on from the time of such cutting to

Defendant may serve affidavit of cutting timber by mistake, and tender damages.

ıder, and ten per cent. upon the whole amount as ,mages, together with the cost of such action to the ne of such tender, in full satisfaction for such cutting. the plaintiff shall accept such tender, judgment for e amount thereof may be entered against the defend- ıt in favor of the plaintiff by the clerk in vacation, pon filing the complaint, and such tender, together ith the plaintiff's acceptance of the same. If the hantiff shall refuse to accept such tender, he shall otify the defendant thereof, and within twenty days om such tender, serve a traverse of the allegations of ach affidavit that such cutting was by mistake. Upon be trial of such action such traverse shall be tried eparately, or with the other issues in the action as the ourt shall direct, and for that purpose the court may rder the jury to find a special verdict. If it shall be ound upon the trial that the amount of the sum cer- ain, for which judgment was so tendered, was equal to he value of such logs, timber or lumber when so cut, and that the cutting was by mistake, judgment shall be entered for the plaintiff for the amount of such tender against the defendant, less the cost of such action since the date of such tender, to be taxed in favor of the defendant. If the jury find that such cutting was by mistake, but that the value of such logs, timber or lumber was greater than the amount so tendered, then judgment shall be entered in favor of the plaintiff for the amount so found, with ten per cent. damages and costs of such action. If such action shall be against several defendants, not alike liable, either or any of such defendants may serve in such tender and subsequent defense, and thereupon the several proceedings and issues shall be had, tried and disposed of separately in the manner hereinbefore provided.

If tender is accepted, judgment may be entered.

If refused, shall notify defendant.

How action to be tried.

How judgment to be entered.

How proceed in case of several defendants

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 264

[*Publis*

AN ACT to provide for paying the cha
1873.

The people of the state of Wisconsin, r
and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appr
money in the treasury not otherwis
sum of fifty dollars to Rev. J. E. Ir
as chaplain to the senate during the
SECTION 2. The secretary of st
warrant on the treasurer for the afo
purpose stated in section one.
SECTION 3. This act shall take ef
from and after its passage.
Approved March 19, 1873.

CHAPTER 265.

[*Publis*

AN ACT to legalize the acts of the town
annual town meeting for the year 1872,
the town of Suamico, in the county of

The people of the state of Wisconsin, r
and assembly, do enact as follows:

Acts of town officers legalized.

SECTION 1. The acts of the town
the annual town meeting, for the y
Flintville, on the 2d day of April, 1
of Suamico, in the county of Brown
ized and declared valid.
SECTION 2. This act shall take eff
from and after its passage.
Approved March 19, 1873.

CHAPTER 266.

[*Published March* 25, 1873.]

AN ACT to amend subdivision two of section one of chapter ninety-two of the revised statutes, as amended by chapter one hundred and twenty-one of the general laws of 1870, entitled "of real property by descent."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How foreign executor may execute deeds of assignment.

SECTION 1. When an executor or administrator shall be appointed in any other state or foreign country, on the estate of any person not a resident of this state at the time of his or her decease, and no executor or administrator thereon shall be appointed in this state, such foreign executor or administrator, upon filing in the probate of any county in which any mortgage or mortgages, held by the estate of such deceased person, is recorded, an authenticated copy of his appointment, may execute, acknowledge and deliver, as such foreign executor or administrator, deeds of assignment of said mortgage or mortgages, the same as executors and administrators appointed such under the laws of this state may now do. Such instruments shall, in all respects, have and be of the same effect as like instruments executed by executors or administrators appointed such under the laws of this state, and shall, in all respects, in like manner, with such instruments, be entitled to record and be recorded.

Approved March 19, 1873.

CHAPTER 267.

[*Published March* 27, 1873.]

AN ACT to authorize town supervisors to lay out public highways in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Supervisors may lay out highway, when right of way cannot be purchased at reasonable price.

SECTION 1. When any person shall present to the board of supervisors of any town an affidavit satisfying said board that he or she is owner of real estate within said town, which is occupied by some person or persons living thereon, (describing the same), and that said

real estate is shut out from all public hi
ing surrounded on all sides by real esta
other parties, that he or she is unable to
any of said parties the right of way ov
the same to a public highway, or that it
chased except at an exorbitant price (in
minimum price for which the same can
by said applicant shall be stated), the sa
pervisors may, at their discretion, after
within thirty days, proceed to lay out
way, of not more than three rods in wid
estate, in such place as to them shall see
and shall assess the damages and adv
owner or owners of real estate over or
the same shall be laid, the amount wh
assessed, shall be paid by the town: *pr*
amount of damages so assessed by t
shall in no case exceed the minimum
in the affidavit: *provided, further*, that
be taken from the assessment of dam
ducted in like manner as appeals from
town supervisors in laying out, altering
ing, or in refusing to lay out, alter or
public highway.

Damages to be paid by the town.

May appeal from assessment of damages.

How notice shall be given.

SECTION 2. Notice of the time and pl
to lay out said highway shall be given
visors by posting written or printed not
three of the most public places in said t
provided by law for laying out public h

SECTION 3. All acts or parts of ac
with the provisions hereof are hereby re

SECTION 4. This act shall take ef
force from and after its passage and publ

Approved March 19, 1873.

CHAPTER 268.

[*Published March* 27, 1873.]

AN ACT to repeal chapter one hundred and fifty-two of general laws of 1872, entitled "an act to authorize the county boards of supervisors in the several counties of this state, to levy a special tax for county road purposes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and fifty-two of general laws of 1872, entitled "an act to authorize the county boards of supervisors in the several counties of this state, to levy a special tax for county road purposes," is hereby repealed: *provided*, that the provisions of this act shall apply to the county of Vernon only. **Repealed.**

SECTION 2. Any moneys heretofore raised under the provisions of chapter one hundred and fifty-two of the general laws of 1872, and not appropriated at the the time of the passage of this act, shall revert to the general fund of the several counties in which said moneys remain unappropriated. **Moneys not appropriated shall revert to general fund.**

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 269.

[*Published March* 29, 1873.]

AN ACT to appropriate to G. E. Weiss, a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to G. E. Weiss, out of any money in the treasury not otherwise appropriated, the sum of two hundred and twenty-eight dollars, in full payment for expenses incurred by him in defending his right to a seat in the assembly, contested by Hiram R. Bond. **Appropriated.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 270.

[*Publishe*

AN ACT to appropriate to Hiram R. Bo
therein named.

The people of the state of Wisconsin, re
and assembly, do enact as follows:

Appropriated.

SECTION 1. There is hereby appr
R. Bond, out of any money in the t
wise appropriated, the sum of one hun
five dollars and sixty-three cents, in
expenses incurred by him in contest
and return to the assembly of Geo. E

SECTION 2. This act shall take
force on and after its passage.

Approved March 19, 1873.

CHAPTER 271.

[*Publishe*

AN ACT to exempt parties to actions in t
Vernon county, from the operation of
named.

The people of the state of Wisconsin, re
and assembly, do enact as follows:

Parties to actions shall be exempt from certain provisions.

SECTION 1. That all parties to act
hereafter to be begun in the circuit
county, Wisconsin, who are represent
residing in Vernon county are and
from the provisions of chapter ninety
vate and local laws of 1866, entitled a
the special terms of the circuit court
dicial circuit, also from the provisions
hundred and sixty-eight of the gener
entitled an act relating to special ter
court in the sixth and fifth judicial
change the time for holding the genera
quette county, in the third judicial c
the provisions of chapter thirteen of
of 1872, entitled an act relative to fore

gages by action, and amendatory of section one of chapter two hundred and forty-three of the general laws of 1862: *provided, however*, that in all cases where such parties are exempt by the provisions of this act from the operation of the acts herein named, all such parties may, by stipulation, waive the provisions of this act and proceed the same as they might do prior to the passage of this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 272.

[*Published March 27, 1873.*]

AN ACT to amend subdivision five of section eleven of chapter one hundred and nineteen of the general laws of 1872, entitled an act in relation to railroads and the organization of railroad companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—all railroad bridges to be built under direction of secretary of war.

SECTION 1. Subdivision five of section eleven of chapter one hundred and nineteen of the general laws of 1872, entitled "an act in relation to railroads and the organization of railroad companies," is hereby amended by adding thereto the following, to-wit: all bridges constructed or hereafter to be constructed by any railroad company across the Fox or Wisconsin rivers shall be constructed or modified according to such plans as shall be appoved by the secretary of war, or such engineer as he shall designate, and in case it may be necessary for the interests of navigation or commerce to change or modify any such railroad bridge heretofore constructed, it is hereby made the duty of the railroad company maintaining such bridge to make such reasonable alterations in such bridge as may be directed by the secretary of war, or such engineer as he may designate for that purpose.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 273.

[*Published*

AN ACT to amend section one of chapter forty-seven of the private and local laws o act for the preservation of fish in the w Washington county."

The people of the state of Wisconsin, r ate and assembly, do enact as follows :

Amended.

SECTION 1. Section one of chapt and forty seven of the private and lo is hereby amended by striking out t day of December," where they occu line of said section, and inserting in words, "fifteenth day of November," a ing out the words, "first day of May," cur in said section, and inserting in words, "fifteenth day of May."

SECTION 2. This act shall take effec from and after its passage and publicat

Approved March 19, 1873.

CHAPTER 274.

[*Published*

AN ACT to amend chapter sixty-seven of t 1858, entitled "of cemetery associations and

The people of the state of Wisconsin, r ate and assembly, do enact as follows:

May extend limits of cemetery grounds.

SECTION 1. Whenever it shall be d by any cemetery associations organized or charter granted by the legislature o tend the limits of the grounds used by for burial purposes, it shall be lawful directors or trustees of any such assoc the title to the lands necessary for su the manner hereinafter provided.

Shall apply to circuit judge for appointment of appraisers.

SECTION 2. The board of directors o such association shall apply to a judg court of the circuit in which the lands

are situated, describing the lands desired to be taken for cemetery purposes, and requesting the appointment of three disinterested freeholders of the county as commissioners to appraise the value of the lands so described, who shall be sworn to the faithful discharge of the duties imposed upon them as such appraisers.

Appraisers shall give notice of time of appraisal.

SECTION 3. The commissioners shall give notice to all persons who claim any interest in the lands which they are required to appraise, by publication thereof once in each week in a newspaper printed in the county in which the lands are situated, for four successive weeks, stating therein a description of the premises to be appraised, and the time when and place where they will meet to make such appraisal, and if any of such owners or persons interested in the premises are known and are resisdents of the county, a like notice shall be served upon them personally by delivery of a copy thereof or by leaving the same at the place of their residence, with some person of suitable age and discretion, at least ten days before the day appointed for such appraisal.

Shall hear proofs, examine premises and make report.

SECTION 4. At the time and place appointed for such appraisal, the said commissioners shall hear the proof and allegations of the parties, and may, if necessary, examine the premises, and within ten days thereafter shall make a report in writing, describing particularly the premises, and the price at which they have appraised the same, in which report a majority of said commissioners shall concur. A copy of such report shall be filed in the clerk's office of the circuit court of the county in which the premises are situated, and any person feeling himself aggrieved thereby may, within sixty days after the filing thereof, appeal to the circuit court of such county.

Copy to be filed in clerk's office.

Owner may appeal.

How appeal to be tried.

SECTION 5. Such appeal shall be tried by the court, and if the court shall find that the proceedings of the commissioners have not been in conformity with the provisions of this act or that their decision is unjust or unreasonable, the same shall be revised, otherwise it shall be affirmed. In revising such decision, the court shall appoint three commissioners, who shall proceed as above provided to another hearing and determination: *provided*, that any party interested may require that the amount of compensation to be paid by such association as aforesaid shall be determined by a jury.

May give another hearing.

Judge may appoint new commissioners.

SECTION 6. The judge may, from time to time, appoint new commissioners to fill vacancies which may occur from any cause, and may allow such fees to be paid by the association as he may deem reasonable,

and all costs on appeal shall be as the co

Association to deposit amount of award or judgment with clerk of court.

SECTION 7. At the expiration of the for appeal, as provided in this act, or w thereafter, in case none shall be taken, determination thereof in case an appeal from the decision of the commissioners, shall deposit with the clerk of the amount awarded, and all costs allowed said sum of money to be distributed an parties interested therein under the orde

When deposited, the title shall vest in association.

and upon such deposit being made, the ti described in the report of the commissi solutely vest in the association, and s devoted exclusively to the burial of the that no lands upon which there shall be provements, or which are in the actual the owner thereof as a homestead, or as proved farm, nor any lands exceedin twenty-five acres, shall be taken for cemetery association, in pursuance of th this act: *provided*, that this act shall Brown county.

Approved March 19, 1873.

CHAPTER 275.

AN ACT to authorize Louis E. Torinus to buil dam across Moose river, in the county o

The people of the state Wisconsin, repres and assembly, do enact as follows:

May erect and maintain dam.

SECTION 1. Louis E. Torinus, his hei are hereby authorized to erect and m across Moose river, in the county of D point upon section thirty-five (35), of town (45) north, of range thirteen (13) west, for term of fifteen years from the time this effect.

Shall be constructed for sluicing logs.

SECTION 2. The said dam shall be structed to sluice, and shall at all tim suitable condition for sluicing logs, lum over or through the same, and a sufficient shall be raised and kept up by means of that purpose whenever required.

SECTION 3. The said dam shall not be closed during the months of July, August and September in each year. When not to be closed.

SECTION 4. The said Louis E. Torinus, his heirs and assigns shall be entitled to demand and receive from all persons using said dam for the purpose of sluicing through or running over the same, the sum of five cents per thousand feet for all logs and lumber or timber so sluiced through or run over said dam or run or driven into said river or its tributaries above said dam, and the said Louis E. Torinus, his heirs and assigns shall have a lien upon all such logs, lumber or timber for such charges until the same are paid, whether he or they shall take or retain possession thereof or not. Charge for sluicing lumber.

SECTION 5. The said Louis E. Torinus, his heirs and assigns shall have at all times the sole and full control of said dam: *provided*, that at all reasonable times, the said Torinus, his heirs and assigns shall, when requested, use the said dam for the purposes mentioned in section four of this act. Shall have full control of dam.

SECTION 6. The dam herein authorized to be constructed shall be, from the time of the commencement thereof, subject to the provisions of chapter fifty-six of the revised statutes of this state, so far as the height thereof and the damages that may be caused thereby are concerned. How height of dam to be determined.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 276.

[*Published March* 27, 1873.]

AN ACT concerning truant children and absentees from school.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Each of the cities in this state is hereby authorized and empowered to organize and establish truant schools for the instruction and attendance of habitual truants, wandering about in the streets or public places of any such city, having no lawful occupation or business and not attending school, between the ages Cities may organize truant schools.

of seven and sixteen years; and also to
force all such ordinances, rules and by-
such children as shall be deemed mo
their welfare and the good order of sucl

Habitual truants between certain ages may be committed to said schools.

SECTION 2. Any child convicted of b
truant, or of wandering about in the s
places of any city, having no lawful occ
ness, and not attending school, between t
and sixteen years, may in the discretio
or court having jurisdiction of the case
to any such truant school, provided f
under the authority of the next preced
such time, not exceeding two years, as
court may determine. And the police a
such conviction and sentence, are ant
rected to enforce the daily attendance o
at the truant school so established: *pr*
found wandering in the streets.

May enforce daily attendance.

What officers shall have jurisdiction.

SECTION 3. Such justices of the p
judicial officers and courts as have crimi
shall have jurisdiction of all offenses
and under the ordinances and by-laws
passed or ordained under the authority

SECTION 4. This act shall take e
force from and after its passage and p

Approved March 19, 1873.

CHAPTER 277.

[*Published*

AN ACT to amend section twelve of chapte
eighty-two of the laws of 1872, entitled "
municipal corporations to aid in the co
roads."

The people of the state of Wisconsin, repr
and assembly, do enact as follows:

Amended—time for railroad companies to fulfill contract with counties, towns or cities, may be extended.

SECTION 1. Section twelve of chapt
and eighty-two of the laws of 1872, enti
authorize municipal corporations to a
struction of railroads," is hereby amen
thereto the following: "and in all
county, town, city or village shall h
or shall hereafter subscribe for stock
railroad, and shall have limited or shal

in which the aid shall be earned, it shall be lawful for the proper authorities of such county, town, city or village, upon the application of the railroad company in aid of which such subscription has been or shall be made, in their discretion, to extend the time when such aid shall be earned, not exceeding one year beyond the time so limited:" *provided*, the powers and authority hereby granted and conferred shall not be used or exercised by any county, town, city or village where the aid granted for railroad purposes and stock subscribed for shall exceed the amount of five per cent. of the assessed valuation thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 278.

[*Published March* 27, 1873.]

AN ACT to authorize incorporated villages to lay out, change and open streets, alleys and public squares within the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Village authorities may lay out, change and open streets, on petition of freeholders.

SECTION 1. The president and trustees of any incorporated village shall have the power to lay out, open, change, extend and widen public squares, grounds, highways, streets and alleys as follows: Whenever six or more freeholders residing in said village shall, by petition, represent to the board of trustees of said village that it is necessary to take certain lands within said village for the public use, for the purpose of laying out, opening, changing, extending or widening public squares, grounds, highways, streets or alleys, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of said lands, if the same shall be known to the petitioners, being stated in said petition, the board of trustees shall thereupon cause notice of such application to be given as follows: If the owner or owners of any portion of said lands are known, and reside in said village, a written or printed notice shall be served upon such owner or owners personally; if such owner or owners are not known, or being known,

How notice to be given to residents and non-residents.

do not reside in said village, said notice
by publishing the same, at least once in
three successive weeks in a newspaper
said village, and in case any one is in t
pancy of said lands, such notice shall
such occupant or occupants personally.

What notice shall contain.

SECTION 2. Such notice shall conta
concise description of the public sq
highways, streets or alleys designed t
opened, changed, extended or widened,
proposed to be taken, and shall state th
time and place therein to be named, not
days from the service of such notice, or
of such publication, as the case may
will be made to the judge of the count
county in which said village is situated,
of the peace in and for said county,
said village, for the appointment of six
said lands, and to determine if it will b
take the same for the purpose specified i
and to assess the damage sustained by
owners of said land, by reason of the
same, in case they shall determine it wil
to take such lands for the purpose afor

Judge shall appoint jurors to view premises, and report to trustees.

SECTION 3. Upon the presentation
cation, at the time and place in such not
and upon proof of the service or publ
notice as hereinbefore required, the said
tice shall appoint six freeholders and re
village, but not interested in the result o
tion, and shall thereupon issue his prec
said jurors, requiring them, on a day in sa
named, not more than ten nor less than
the date of said precept, to view said l
to be taken as aforesaid, which lands sha
in said precept, and report to the bo
whether, in their judgment, it is nece
said lands for the purpose specified in sa
and also to report to said board the amo
sustained by the owner or owners of s
any distinct part thereof, by reason of t
as aforesaid.

How judge may fill vacancies.

SECTION 4. If any of the jurors so a
be disqualified from acting or shall refu
said judge or justice shall appoint others
and all reasons causing such substitutio
dorsed on the precept.

SECTION 5. Said jurors, before entering upon the discharge of their duties shall take an oath before some officer authorized to administer oaths, that they are residents and freeholders of said village, and are not interested in the lands to be taken, and that they will faithfully and impartially discharge the trust reposed in them; and shall, at the time mentioned in said precept, proceed in a body to view the lands in question, and shall hear such testimony as may be offered by any party interested, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Jurors shall take oath and proceed to view premises.

SECTION 6. After viewing said lands and hearing such testimony as may be offered as aforesaid, said jurors shall decide whether it is necessary to take said lands for the purpose specified in said application, and in case that they shall decide that it is necessary to take said lands for the purpose aforesaid, they shall also determine and assess the amount of damage which the owner or owners of said lands or of any distinct part thereof will sustain by reason of the taking of the same as aforesaid, which said report and precept shall be filed with the clerk of said village within five days from the day designated in said precept for said jurors to view said lands.

After viewing premises and hearing testimony, shall determine and assess damages.

SECTION 7. Any person whose property said jurors shall decide it is necessary to take as aforesaid, may at any time within ten days from the time said report shall be filed with the village clerk as aforesaid, appeal from said report, and the decision and determination therein contained, determined and amount therein contained, or any part thereof, to the circuit court in and for the county in which said village is situate. Said appeal shall be taken by filing with the clerk of said village, within said ten days, a notice of appeal, stating whether said appeal is from the whole or only a part of said report, and if from a part only, what part, and by also filing at the same time with said clerk a bond in the sum of two hundred and fifty dollars, and signed by two good and sufficient sureties, and conditioned for the payment to said village under its corporate name, of all costs which shall be awarded against said appellant in case said report or the part thereof appealed from shall be sustained.

Any property holder may appeal from report.

Shall file notice of appeal and give undertaking.

SECTION 8. Within ten days after filing said notice of appeal and bond, the clerk of said village shall make out two copies of all the papers and proceedings on file in his office relating to the matter appealed from, and shall attach thereto his certificate to the effect that he has compared the same with the originals, and that they

Village clerk to make out two copies of papers and proceedings.

are correct transcripts therefrom, and of
and proceedings on file in his office
matter appealed from, and shall file the
clerk of said circuit court within said
appeal shall thereupon be heard, tried and
the circuit court, in the same manner as
from justices' courts, except that the verd
shall be, in case they find for the appella

How appeal tried.

What verdict of jury shall be.

"We find that the report of the jury be
reversed;" if in case only a part of said re
ed from, then "we find that that portion
of the jury below appealed from should
and in case they find against the appellan
shall be as follows: "We find that the
jury below should be sustained," or in ca
of said report is appealed from, then,
that portion of the report of the jury b
from should be sustained," and in eit
verdict shall be signed and returned
cases, and judgment shall be entered on
follows: In case the verdict be for sust
port, or the portion thereof appealed fro
appellant and in favor of said village i
name, to the effect that "said report o
thereof appealed from is sustained, and f
in case said verdict be for reversing sai
portion thereof appealed from, judgm
entered against said village in its corpor
in favor of said appellant, to the effect th
or the portion thereof appealed from is
for costs." And as soon as judgment sh
entered in said circuit court, and the c
entered in said judgment, the clerk of s
transmit and file with the clerk of said vil
copy of said judgment.

Copy of judgment to be filed with village clerk.

When the board of trustees may declare street opened.

SECTION 9. If said jurors shall dec
necessary to take said lands for the purp
and shall determine and assess the amou
as aforesaid, and shall make and file their
said, and there shall have been no appea
port as aforesaid, or in case there shall
appeal, and said report or the portion
shall have been sustained, the board of t
ten days after the expiration of the ti
where no appeal has been taken, or w
after the filing of a certified copy of s
with the clerk of said village, in case an
have been taken, and said report or th
pealed from shall have been sustained,

lution to be entered in the minutes of the proceedings of said board, declare said public squares, grounds, highways, streets or alleys, as the case may be, laid out, opened, changed, extended or widened, as the case may be, and that the damages awarded to the owner or owners of said lands, or of any distinct part thereof, by the reason of the taking of said lands, for the purpose aforesaid, are as stated in said report, and shall cause said resolution to be published at least once in each week for three successive weeks in a newspaper published in the county in which said village is situated, and after such publication and the payment or tender of payment by the village, to the parties entitled thereto of the damages awarded to each respectively, or in place of such payment or tender, the deposit in any bank in said village of the amount of said damages to the credit of the parties respectively entitled thereto as aforesaid, said lands shall for all intents and purposes be deemed and considered laid out, opened, changed, extended or widened, and shall be enjoyed as a public square, grounds, highways, streets or alleys, as the case may be, and the said board of trustees may cause fences and other obstructions to be removed therefrom, in the same manner as supervisors of towns are by law authorized to remove fences and other obstructions from highways laid out or altered by them.

Shall cause resolution to be published and deposit damages in bank.

SECTION 10. All taxes raised and collected in any village, either general or special, for any purpose authorized by this act, shall be levied and assessed upon all property, real and personal, within the corporate limits of said village which is by any general law of this state subject to taxation for general purposes, or to special assessments for local improvements within cities or incorporated villages.

How taxes authorized by this act to be levied.

SECTION 11. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 279.

[*Published*

AN ACT to provide for laying out and establ from Kickapoo Centre, Vernon county, to I county.

The people of the state of Wisconsin, repr and assembly, do enact as follows:

Appointed commissioners to lay out state road.

SECTION 1. Philip M. Smith, F. G. C. Cushman, of the counties aforesaid, pointed commissioners to lay out and road, commencing at some point to be said commissioners, at some point on and Viroqua state road in the villag Center, Vernon county, running ther feasible and practicable route, via the Richland county, Forest P. O., and te point where it shall intersect the said Viroqua state road, on section four, tow one west, Richland county.

Any two may proceed, and their compensation.

SECTION 2. Any two of said commis ceed to lay out and establish said road, a formance of said service shall be entitled diem compensation not to exceed the s lars per day for time actually spent in be paid therefor from the counties thro road shall pass, in proportion to the le each of said counties: *provided*, that expenses shall be paid from the state t

Commissioners shall file order.

SECTION 3. After said commissio laid out said road, they shall, within th the office of the county clerk of the co which said road is laid, their order l road, with a survey and map of the award of damages, or the releases of th

How damages to be settled.

SECTION 4. The damages sustained through whose land such highway sha be settled by agreement between the sai missioners and such person or owners, a by the town in which the same may the amount so allowed, levied and o same manner as other town charges.

SECTION 5. This act shall take effect from and after its passage and publicati

Approved March 19, 1878.

CHAPTER 280.

[*Published March* 25, 1873.]

N ACT in relation to the courts of the county of Milwaukee.

he people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter thirty-seven of he general laws of 1868, entitled "an act to amend hapter three hundred and sixty-two of the general aws of 1860, entitled an act relating to the Milwaukee ounty courts," (*be and the same*) is hereby repealed; nd section five of chapter three hundred and sixty-wo of the general laws of 1860, entitled "an act re-ating to the Milwaukee county court," is hereby re-ived, re-enacted and declared to be of full force and ffect. Repealed. Re-enacted.

SECTION 2. This act shall take effect and be in force rom and after its passage.

Approved March 17, 1873.

CHAPTER 281.

[*Published March* 21, 1873.]

AN ACT to amend chapter one hundred and fifty-five of the general laws of 1863, entitled "an act to codify the laws of the state relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section forty-eight of chapter one hun-dred and fifty-five of the general laws of 1863, entitled "an act to codify the laws of the state relating to com-mon schools," is hereby amended so as to read as fol-lows: "Section 48. The said district board shall have the care and keeping of the school house and other property belonging to the district, except so far as the same shall be especially confided to the care of the clerk, including all books purchased by the districts for the use of any children; and the said district board shall have power to purchase a record book, in which the proceedings of the meetings of the district and of Amended—powers and duties of the district board.

the district board shall be recorded,
keeping in proper form the treasure
gether with such blanks and stationer
for doing the business of the distri
and business-like manner, and such ch
and school apparatus as they may dee
exceeding seventy-five dollars in am
year; and the clerk of such district s
amount of such purchases in the ne
be collected in such district; said cha
and apparatus shall be such as may hav
by the superintendent of public instru
county superintendent of the county i
trict is located as of a character suitab
schools of the state; *and provided f*
purchases shall be unanimously appr
meeting of said board, at which all the
shall be present.

Clerk to include amount of purchases in annual tax.

Repealed.

SECTION 2. Section six of chapter
eleven of the general laws of 1867, is h

Approved March 19, 1873.

CHAPTER 282.

[*Publishe*

AN ACT to authorize the city of Sheboyga
struction of a dry dock in the city of

The people of the state of Wisconsin, rep
and assembly, do enact as follows:

SECTION 1. The city of Sheboyga
thorized and empowered, on the condi
mentioned, to levy upon the taxable
city, a sum not exceeding ten thousan
purpose of aiding in the construction o
the city of Sheboygan.

SECTION 2. Whenever fifty or m
tax payers of said city of Sheboyga
petition to the mayor and common cou
asking that the question of aiding in
a dry dock in said city may be sub
the electors of said city, it shall be
common council of said city, as soon a
time, to give notice that, on a day an

places to be therein specified, a special election will be held, at which the question of aiding in the construction of a dry dock will be submitted to the qualified voters for their determination; said notice shall be published once in each week for three successive weeks next preceding the said day of election, in all the newspapers printed and published in the city of Sheboygan. The common council shall designate in said notice where the polls will be held in each ward, and the said polls shall be held and the said election be conducted in the same manner as charter elections, and the aldermen of each ward shall be inspectors thereof. Every elector of said city, and no other person or persons whatever, shall be entitled to vote at said election. The electors voting at such election, called pursuant to the provisions of this act, shall deposit a ballot upon which shall be written or printed, "for the dry-dock aid," or "against the dry-dock aid," and the same shall be deposited in a box similar to the boxes required to be used at said charter election. False swearing and fraudulent voting at such election shall be punished in the same manner as at other elections for county or state officers.

How election to be conducted.

Form of the ballot.

SECTION 3. The common council, within one week after said election, shall meet and canvass the votes received, or the returns thereof, and the result shall be entered upon the records of the common council.

Canvass of the vote.

SECTION 4. In case a majority of all the votes cast at such election shall be, "for the dry dock aid," then the common council of said city is hereby authorized and empowered to cause a sum not exceeding ten thousand dollars to be assessed, levied and raised in and by the next assessment roll, at the time the next annual tax is levied and raised for the purpose to aid in the construction of said dry dock.

If vote is for aid, council may assess amount prescribed.

SECTION 5. The money or aid assessed, levied and raised by virtue of this act, or any part thereof shall not be paid over to any person or persons, party or parties constructing said dry dock, unless said dry dock is fully completed and ready to receive vessels or ships for repair, and then only on the issue of shares or stock by the person or persons, party or parties having constructed said dry dock, to said city of Sheboygan, equal to the amount of said aid.

Money not to be paid over till dock is fully completed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 283

[illegible] creek, a tribu[illegible] authorize[illegible]

[illegible] Wisconsin, [illegible]

[illegible] creek, a tribu[illegible] county of Chippe[illegible] stream for the p[illegible] said stream to [illegible] owners of and[illegible] may be pine or [illegible] and [illegible] authoc[illegible] and use do[illegible] purp[illegible] said stream[illegible]

[illegible] provisions of this [illegible] own p[illegible] persons and [illegible] purposes. [illegible] Neil's cree[illegible] shall take eff[illegible]

CHAPTER 284

[illegible] an act [illegible] Railway Compa[illegible] shall be known as ch[illegible]

[illegible] Wisconsin, re[illegible]

[illegible] section [illegible] of chapte[illegible] Laws of 1870, ent[illegible] warrant and No[illegible] Secretary twenty[illegible] hearing immed[illegible] Secretary is authorized t[illegible]

they occur therein, the words, "or any company now or hereafter existing under the laws of the state of Michigan whose road shall connect with that of the company hereby created, at the state line of said state of Michigan."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 285.

[*Published March* 27, 1873.]

AN ACT to regulate the sale of mineral oils and other substances for illuminating purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Unlawful to sell illuminating oils that have not been tested.

Manner of testing oils described.

SECTION 1. That it shall be unlawful for any person or persons to offer for sale, for illuminating purposes, as agent or otherwise, any mineral or petroleum oil, or any oil, fluid, or substance which is a product of petroleum, or into which petroleum or any product of petroleum enters, or is found as a constituent element, until after he or they have tested the same in the manner following, to wit: By taking not less than half a pint of the oil, fluid or substance to be tested, and placing the same in a small vessel in which there is no other substance, of such dimensions that the surface of the oil, fluid or substance shall not exceed four square inches in area, and placing a Fahrenheit's thermometer in said oil, fluid or substance in said vessel, in such a manner that the thermometer will indicate the temperature of the oil, fluid or substance being tested, which shall then be gradually heated at a rate of not less than two degrees per minute, Fahrenheit, to a temperature at which said oil, fluid or substance will emit a gas or vapor that will ignite by bringing the flame of a lighted match, or other burning taper in contact with the surface of the article being tested, with such frequency, and in such a manner as to ascertain the exact temperature by said thermometer at which said fluid, oil or substance will emit a gas or vapor that will ignite; and if it will emit a gas or vapor that will ignite at any temperature below one hundred and ten degrees, Fah-

renheit, then it is hereby declared to
and it shall be unlawful to sell or offer the

Penalty for selling oils not tested, or offering the same for sale.

SECTION 2. That any person or pers
offer for sale, for illuminating purposes
or substance mentioned in the first sectio
until after he or they have tested, or caus
be tested, as prescribed in this act, or wh
sale for illuminating purposes, any of sa
will emit gas or vapor that will ignite at
ture below one hundred and ten degre
under the test prescribed in this act, he
be guilty of a misdemeanor, and, on con
shall be fined in any sum not less than
dollars, or imprisoned in the jail of the
ceeding twenty days, or both, at the dis
court, and shall pay the costs of prosecu

Penalty for manufacturers, refiners or wholesale dealers, for selling oils not tested.

SECTION 3. That if any person or
facturer, refiner or wholesale dealer of a
substance mentioned in the first section
agent or otherwise, shall sell, for illumin
any oil, fluid or substance mentioned in
that will emit a gas or vapor that wil
temperature below one hundred and ten
renheit, under the test in this act prescri
shall be guilty of a misdemeanor, and
thereof shall be fined in any sum not
thousand dollars, or imprisonment in t
county not exceeding twenty days, or b
cretion of the court trying the case, and
costs of prosecution.

Penalty for selling in quantities less than one barrel.

SECTION 4. That if any person or pe
for illuminating purposes, and in a quan
one barrel at a single sale, any oil, fluid
that will emit a gas or vapor that will
temperature below one hundred and
Fahrenheit, under the test prescribed by
they shall be guilty of a misdemeanor, a
tion thereof shall be fined in any sum
twenty-five or more than two hundred d
prisoned in the jail of the county not
days, or both, at the discretion of the co
pay the costs of prosecution.

In case of injury to person or property, the seller to be liable for damages.

SECTION 5. That if any person shall
damage to his property, or injury to h
reason of a violation of any of the provisi
by another person, the person guilty of
shall be liable to the person injured fo
sustained thereby, and in case any perso
provisions of this act shall, by such viola

death of another, he shall be guilty of manslaughter, and on conviction thereof, shall be punished according to the provisions of the section of the criminal statute defining that crime.

SECTION 6. That any and all contracts made in violation of the provisions of this act are hereby declared to be void, and the vendor may return the oil, fluid or substance purchased, at the expense of the vendor, and recover from the vendor all that he had paid therefor, including all charges for transportation and all other damages resulting directly from said sale.

Contracts in violation of this act to be void.

SECTION 7. This act shall take effect and be in force from and after the first day of May next.

Approved March 19, 1873.

CHAPTER 286.

[*Published March* 25, 1873.]

AN ACT to amend the charter of the city of Stevens Point relating to license for selling intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision first of section three of sub-chapter four of chapter two hundred and sixty-seven of the private and local laws of 1858, entitled an act to incorporate the city of Stevens Point, is hereby amended by striking out and repealing all of said subdivision first, after the word, "provided," in the eleventh line, as printed in the laws of 1858, and inserting the following: "That the sum to be paid for any such retail license shall not be less than one hundred nor more than three hundred dollars, and that no license shall be granted for less than one year."

Amended—what amount to be paid for licenses.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 287.

[*Publishe*

AN ACT to authorize the board of supervi county to settle and compromise all mat between said county and the Superior and S Company.

Preamble.

WHEREAS, The county of Douglas did to the Superior and St. Croix Railroa the amount of three hundred and dollars, to aid in the construction of line of the railway of said company;

WHEREAS, Said company has performed of the work, on account of which sa issued, and is unable and has failed to road according to its contract with said therefore,

The people of the state of Wisconsin, repr and assembly, do enact as follows:

Board of supervisors may compromise claims.

SECTION 1. It shall be lawful for the visors of Douglas county to settle and matters of difference and all claims an either part, between the said county an and St. Croix Railroad Company, and for provide by agreement with said compa render by the same of the bonds which been issued and delivered by said coun pany, except such an amount of said bo company shall be allowed under such ag tain as compensation for all or part of aforesaid done by said company. And are also authorized in and by such set vide for the surrender to said company portion of the stock of said company owned by said county, and to make a co ment of all claims and demands of eithe settlement against the other, upon such ditions as the said board shall deem mos to said county, and all bonds of said under such settlement shall be returned ed to said county, shall thereupon and void and of no effect, and shall forthw under the direction of said board: *prov* settlement made under the provisions between said county and said company

May provide for surrender of stock.

Settlement to be ratified by vote.

valid or binding on said county, unless the same shall be ratified by a vote of the electors of said county voting upon the question of said settlement, as hereinafter provided.

SECTION 2. Whenever the board of supervisors of said county shall have negotiated and concluded any such settlement, which shall have been reduced to writing and signed by the parties thereto, then a duplicate of such settlement in writing shall be filed with the county clerk of said county, and shall be open to the inspection of all persons in said county, and thereafter it shall be lawful for the said board, at any time within one year from and after the passage of this act, by resolution, to order that an election be held in said county, at a time in said resolution to be specified, for the purpose of voting upon the question of such settlement, copies of which resolution shall be posted by the sheriff of said county in five public places in said county, at least one week prior to the time fixed in said resolution for such election, and shall be once prior to that time, published in a newspaper printed in said county. The said resolution so published and posted, shall be deemed due notice of such election, and the same shall be held and conducted at the time fixed by said resolution, and at the place or places where, according to law, any general or special election may be held in said county. Votes cast at such elections in favor of such settlement shall be by ballot, with the words, "in favor of settlement," written or printed thereon; votes against such settlement shall be by ballot, with the words, "against settlement," written or printed thereon.

Shall file duplicate of settlement with county clerk.

May order election to vote upon question of settlement.

Form of ballots

SECTION 3. Such election shall be conducted, and the result thereof canvassed, certified and published in like manner as is provided by law in the case of a special election for the election of a county officer, so far as such provisions may be applicable.

How election to be conducted.

SECTION 4. This act shall take effect and be in force from and after its passage and shall continue for one year only.

Approved March 19, 1873.

CHAPTER 288.

[*Published*

AN ACT to legalize the returns of Wil

The people of the state of Wisconsin, rep and assembly, do enact as follows:

Returns legalized.

SECTION 1. The returns for the y to the county clerk of Juneau cou Morris, acting treasurer of the village are hereby declared to be legal and o and effect as if they had been made in P. McKinstry.

SECTION 2. This act shall take effec after its publication.

Approved March 19, 1873.

CHAPTER 289.

[*Published*

AN ACT to amend chapter one hundred an general laws of 1872, entitled "an act to a corporations to aid in the construction of

The people of the state of Wisconsin, r ate and assembly, do enact as follows:

Amended—clerks shall publish notice of election to vote aid.

SECTION 1. Subdivision first of chapter one hundred and eighty-two laws of 1872, is hereby amended so a lows: 1st. Upon receiving such propo with a petition signed by at least twel holders, the county clerk of such co clerk of such town, or the clerk of su city or village, as the case may be, sha proper by the supervisors of such cou the trustees or council of such city or ately publish a notice of an election to legal voters of such county, town, city or village, at the usual place or pl elections therein, and at such time as designate, not less than thirty nor m

days from the date of such notice, which notice shall contain a substantial statement of the propositions made by said railroad company for the issue of the bonds of such municipality, and shall notify the legal voters thereof to deposit a ballot upon which shall be written or printed, "for the railroad proposition," or the words, "against the railroad proposition;" and such notice shall be posted in three public places in each election precinct in the district in which aid is desired, at least twenty days before the day of such election, and shall also be published at least three times before such election in one newspaper in such city, village or town, if any be published therein; and if none be published therein, then in some newspaper in the county; and if the aid is asked of a county, in all the newspapers published therein; and if no newspaper be published in such city, village, town or county, then such notice shall be published in a newspaper published at the nearest place thereto in which one is published.

Form of ballot.

SECTION 2. Section six of said chapter is hereby amended by adding thereto at the end thereof the following words: And whenever a county, town, incorporated city or village, by virtue of the provisions of any law of this state, shall have voted and agreed to aid in the construction of a railroad by subscription to its stock and the issue of bonds in payment thereof, and the county, town, city or village shall have subscribed on the capital stock subscription book of the company in conformity thereto for the amount so voted in aid of the construction of the road, and the railroad company relying thereupon, shall have in good faith performed and carried out its part of the agreement, and shall have constructed the same as agreed upon, no defects or irregularities in any of the proceedings preliminary to such election shall invalidate such agreement, and the subscription to the capital stock by said county, town, incorporated city or village shall be conclusive evidence of the regularity of all proceedings and the validity of the contract so entered into.

Amended—if aid has been voted, no informality in proceedings to invalidate agreement.

SECTION 3. Another mode of arriving at such mutual agreement as is specified in the act of which this act is amendatory, shall be as follows:

Another mode—company may make proposition for tax payers to sign.

1st. Within three months after the filing of any such proposition as is specified in the fourth section of the act of which this act is amendatory, with any county clerk, town clerk, or clerk of any city or village, as the case may be, the said railroad company shall cause notice to be given as prescribed in the first section of this

the district board shall be recorded,
keeping in proper form the treasur
gether with such blanks and stationer
for doing the business of the dist
and business-like manner, and such ch
and school apparatus as they may de
exceeding seventy-five dollars in an
year; and the clerk of such district
amount of such purchases in the n
be collected in such district; said ch
and apparatus shall be such as may ha
by the superintendent of public instr
county superintendent of the county
trict is located as of a character suita
schools of the state; *and provided*
purchases shall be unanimously app
meeting of said board, at which all th
shall be present.

Clerk to include amount of purchases in annual tax.

Repealed.

SECTION 2. Section six of chapte
eleven of the general laws of 1867, is

Approved March 19, 1873.

CHAPTER 282.

[*Public*

AN ACT to authorize the city of Sheboyg
struction of a dry dock in the city o

The people of the state of Wisconsin, r
and assembly, do enact as follows:

May levy tax to construct dry dock.

SECTION 1. The city of Sheboyg
thorized and empowered, on the cond
mentioned, to levy upon the taxabl
city, a sum not exceeding ten thous
purpose of aiding in the construction
the city of Sheboygan.

On petition, council shall give notice of election to vote aid.

SECTION 2. Whenever fifty or
tax payers of said city of Sheboyg
petition to the mayor and common co
asking that the question of aiding i
of a dry dock in said city may be su
of the electors of said city, it shall b
common council of said city, as soon
after, to give notice that, on a day a

aces to be therein specified, a special election will be ıld, at which the question of aiding in the construc- ›n of a dry dock will be submitted to the qualified ›ters for their determination; said notice shall be ıblished once in each week for three successive weeks ıxt preceding the said day of election, in all the ›wspapers printed and published in the city of She- ›ygan. The common council shall designate in said ›tice where the polls will be held in each ward, and ıe said polls shall be held and the said election be con- ıcted in the same manner as charter elections, and ıe aldermen of each ward shall be inspectors thereof. ıvery elector of said city, and no other person or per- ›ns whatever, shall be entitled to vote at said elec- on. The electors voting at such election, called pur- uant to the provisions of this act, shall deposit a bal- ›t upon which shall be written or printed, "for the ry-dock aid," or "against the dry-dock aid," and the ame shall be deposited in a box similar to the boxes equired to be used at said charter election. False wearing and fraudulent voting at such election shall e punished in the same manner as at other elections or county or state officers.

How election to be conducted.

Form of the ballot.

SECTION 3. The common council, within one week fter said election, shall meet and canvass the votes eceived, or the returns thereof, and the result shall be ıntered upon the records of the common council.

Canvass of the vote.

SECTION 4. In case a majority of all the votes cast ıt such election shall be, "for the dry dock aid," then he common council of said city is hereby authorized ınd empowered to cause a sum not exceeding ten thou- sand dollars to be assessed, levied and raised in and by he next assessment roll, at the time the next annual tax is levied and raised for the purpose to aid in the construction of said dry dock.

If vote is for aid, council may assess amount prescribed.

SECTION 5. The money or aid assessed, levied and raised by virtue of this act, or any part thereof shall not be paid over to any person or persons, party or parties constructing said dry dock, unless said dry dock is fully completed and ready to receive vessels or ships for repair, and then only on the issue of shares or stock by the person or persons, party or parties having constructed said dry dock, to said city of Sheboygan, equal to the amount of said aid.

Money not to be paid over till dock is fully completed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 283.

AN ACT to declare O'Neil's creek, a tributar
river, a navigable stream, and to authorize th
ing dams thereon.

The people of the state of Wisconsin, r
ate and assembly, do enact as follows :

Declared a navigable stream.

SECTION 1. O'neil's creek, a tributa
pewa river, in the county of Chippew
clared a navigable stream for the pur
timber and logs down said stream to m

May erect and maintain dams.

SECTION 2. Any owners of lands
upon which there may be pine or ot
such owners may desire to cut and
streams to market, are hereby authori
ered to erect, maintain and use floa
lands owned by them, for the purpo
driving such timber down said stream,
pewa river.

How provisions to apply.

SECTION 3. The provisions of this a
apply to any person that may own pin
stream, but also to all persons and o
now have dams for flooding purposes, o
after have such dams on O'Neil's creek

SECTION 4. This act shall take effe
from and after its passage.

Approved March 19, 1873.

CHAPTER 284.

AN ACT to amend an act entitled "an act
Milwaukee and Northern Railway Compar
ruary twenty-fourth, 1870, known as cha
the laws of 1870.

The people of the state of Wisconsin, rep
and assembly, do enact as follows :

Amended.

SECTION 1. Section ten of chapte
the private and local laws of 1870, enti
incorporate the Milwaukee and No
Company," approved February twenty
hereby amended by inserting immed
words, "this company is authorized t

they occur therein, the words, "or any company now or hereafter existing under the laws of the state of Michigan whose road shall connect with that of the company hereby created, at the state line of said state of Michigan."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 285.

[*Published March* 27, 1873.]

AN ACT to regulate the sale of mineral oils and other substances for illuminating purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That it shall be unlawful for any person or persons to offer for sale, for illuminating purposes, as agent or otherwise, any mineral or petroleum oil, or any oil, fluid, or substance which is a product of petroleum, or into which petroleum or any product of petroleum enters, or is found as a constituent element, until after he or they have tested the same in the manner following, to wit: By taking not less than half a pint of the oil, fluid or substance to be tested, and placing the same in a small vessel in which there is no other substance, of such dimensions that the surface of the oil, fluid or substance shall not exceed four square inches in area, and placing a Fahrenheit's thermometer in said oil, fluid or substance in said vessel, in such a manner that the thermometer will indicate the temperature of the oil, fluid or substance being tested, which shall then be gradually heated at a rate of not less than two degrees per minute, Fahrenheit, to a temperature at which said oil, fluid or substance will emit a gas or vapor that will ignite by bringing the flame of a lighted match, or other burning taper in contact with the surface of the article being tested, with such frequency, and in such a manner as to ascertain the exact temperature by said thermometer at which said fluid, oil or substance will emit a gas or vapor that will ignite; and if it will emit a gas or vapor that will ignite at any temperature below one hundred and ten degrees, Fah-

Unlawful to sell illuminating oils that have not been tested.

Manner of testing oils described.

renheit, then it is hereby declared to
and it shall be unlawful to sell or offer the

Penalty for selling oils not tested, or offering the same for sale.

SECTION 2. That any person or pers
offer for sale, for illuminating purposes
or substance mentioned in the first sectio
until after he or they have tested, or caus
be tested, as prescribed in this act, or wh
sale for illuminating purposes, any of sa
will emit gas or vapor that will ignite at
ture below one hundred and ten degre
under the test prescribed in this act, he
be guilty of a misdemeanor, and, on con
shall be fined in any sum not less than
dollars, or imprisoned in the jail of the
ceeding twenty days, or both, at the dis
court, and shall pay the costs of prosecu

Penalty for manufacturers, refiners or wholesale dealers, for selling oils not tested.

SECTION 3. That if any person or
facturer, refiner or wholesale dealer of a
substance mentioned in the first section
agent or otherwise, shall sell, for illumin
any oil, fluid or substance mentioned in
that will emit a gas or vapor that wil
temperature below one hundred and ten
renheit, under the test in this act prescri
shall be guilty of a misdemeanor, and
thereof shall be fined in any sum not
thousand dollars, or imprisonment in t
county not exceeding twenty days, or b
cretion of the court trying the case, and
costs of prosecution.

Penalty for selling in quantities less than one barrel.

SECTION 4. That if any person or pe
for illuminating purposes, and in a qua
one barrel at a single sale, any oil, fluid
that will emit a gas or vapor that will
temperature below one hundred and
Fahrenheit, under the test prescribed by
they shall be guilty of a misdemeanor, a
tion thereof shall be fined in any sum
twenty-five or more than two hundred
prisoned in the jail of the county not
days, or both, at the discretion of the co
pay the costs of prosecution.

In case of injury to person or property, the seller to be liable for damages.

SECTION 5. That if any person shal
damage to his property, or injury to
reason of a violation of any of the provis
by another person, the person guilty of
shall be liable to the person injured fo
sustained thereby, and in case any perso
provisions of this act shall, by such viol

death of another, he shall be guilty of manslaughter, and on conviction thereof, shall be punished according to the provisions of the section of the criminal statute defining that crime.

SECTION 6. That any and all contracts made in violation of the provisions of this act are hereby declared to be void, and the vendor may return the oil, fluid or substance purchased, at the expense of the vendor, and recover from the vendor all that he had paid therefor, including all charges for transportation and all other damages resulting directly from said sale. Contracts in violation of this act to be void.

SECTION 7. This act shall take effect and be in force from and after the first day of May next.

Approved March 19, 1873.

CHAPTER 286.

[*Published March* 25, 1873.]

AN ACT to amend the charter of the city of Stevens Point relating to license for selling intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision first of section three of sub-chapter four of chapter two hundred and sixty-seven of the private and local laws of 1858, entitled an act to incorporate the city of Stevens Point, is hereby amended by striking out and repealing all of said subdivision first, after the word, "provided," in the eleventh line, as printed in the laws of 1858, and inserting the following: "That the sum to be paid for any such retail license shall not be less than one hundred nor more than three hundred dollars, and that no license shall be granted for less than one year." Amended—what amount to be paid for licenses.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 287.

[*Publishe*

AN ACT to authorize the board of superv county to settle and compromise all mat between said county and the Superior and Company.

Preamble.

WHEREAS, The county of Douglas did to the Superior and St. Croix Railroa the amount of three hundred and dollars, to aid in the construction of line of the railway of said company;

WHEREAS, Said company has performe of the work, on account of which s issued, and is unable and has failed t road according to its contract with sai therefore,

The people of the state of Wisconsin, repr and assembly, do enact as follows:

Board of supervisors may compromise claims.

SECTION 1. It shall be lawful for the visors of Douglas county to settle and matters of difference and all claims a either part, between the said county a and St. Croix Railroad Company, and fo provide by agreement with said comp render by the same of the bonds which been issued and delivered by said coun pany, except such an amount of said b company shall be allowed under such a tain as compensation for all or part of aforesaid done by said company. And are also authorized in and by such se vide for the surrender to said company portion of the stock of said company owned by said county, and to make a c ment of all claims and demands of eithe settlement against the other, upon such ditions as the said board shall deem mos to said county, and all bonds of said under such settlement shall be returned ed to said county, shall thereupon and void and of no effect, and shall forthw under the direction of said board: *pro* settlement made under the provisions between said county and said compan

May provide for surrender of stock.

Settlement to be ratified by vote.

alid or binding on said county, unless the same shall e ratified by a vote of the electors of said county oting upon the question of said settlement, as hereinfter provided.

SECTION 2. Whenever the board of supervisors of aid county shall have negotiated and concluded any uch settlement, which shall have been reduced to wring and signed by the parties thereto, then a duplicate f such settlement in writing shall be filed with the ounty clerk of said county, and shall be open to the spection of all persons in said county, and thereafter shall be lawful for the said board, at any time within ne year from and after the passage of this act, by resolution, to order that an election be held in said county, a time in said resolution to be specified, for the purose of voting upon the question of such settlement, opies of which resolution shall be posted by the sheriff said county in five public places in said county, at ast one week prior to the time fixed in said resolution for such election, and shall be once prior to that me, published in a newspaper printed in said county. he said resolution so published and posted, shall be eemed due notice of such election, and the same shall held and conducted at the time fixed by said resotion, and at the place or places where, according to w, any general or special election may be held in said ounty. Votes cast at such elections in favor of such ttlement shall be by ballot, with the words, "in vor of settlement," written or printed thereon; votes gainst such settlement shall be by ballot, with the ords, "against settlement," written or printed thereon.

Shall file duplicate of settlement with county clerk.

May order election to vote upon question of settlement.

Form of ballots

SECTION 3. Such election shall be conducted, and e result thereof canvassed, certified and published in e manner as is provided by law in the case of a ecial election for the election of a county officer, so as such provisions may be applicable.

How election to be conducted.

SECTION 4. This act shall take effect and be in force m and after its passage and shall continue for one ar only.

Approved March 19, 1873.

CHAPTER 288.

[*Publishe*

AN ACT to legalize the returns of W

The people of the state of Wisconsin, rep and assembly, do enact as follows:

Returns legalised.

SECTION 1. The returns for the to the county clerk of Juneau cou Morris, acting treasurer of the village are hereby declared to be legal and o and effect as if they had been made in P. McKinstry.

SECTION 2. This act shall take effec after its publication.

Approved March 19, 1873.

CHAPTER 289.

[*Published*

AN ACT to amend chapter one hundred and general laws of 1872, entitled "an act to aut corporations to aid in the construction of ra

The people of the state of Wisconsin, rep ate and assembly, do enact as follows:

Amended—clerks shall publish notice of election to vote aid.

SECTION 1. Subdivision first of s chapter one hundred and eighty-two o laws of 1872, is hereby amended so as lows: 1st. Upon receiving such proposi with a petition signed by at least twelve holders, the county clerk of such cou clerk of such town, or the clerk of such city or village, as the case may be, shall, proper by the supervisors of such count the trustees or council of such city or vil ately publish a notice of an election to be legal voters of such county, town, or city or village, at the usual place or place elections therein, and at such time as suc designate, not less than thirty nor more

days from the date of such notice, which notice shall contain a substantial statement of the propositions made by said railroad company for the issue of the bonds of such municipality, and shall notify the legal voters thereof to deposit a ballot upon which shall be written or printed, "for the railroad proposition," or the words, "against the railroad proposition;" and such notice shall be posted in three public places in each election precinct in the district in which aid is desired, at least twenty days before the day of such election, and shall also be published at least three times before such election in one newspaper in such city, village or town, if any be published therein; and if none be published therein, then in some newspaper in the county; and if the aid is asked of a county, in all the newspapers published therein; and if no newspaper be published in such city, village, town or county, then such notice shall be published in a newspaper published at the nearest place thereto in which one is published.

Form of ballot.

SECTION 2. Section six of said chapter is hereby amended by adding thereto at the end thereof the following words: And whenever a county, town, incorporated city or village, by virtue of the provisions of any law of this state, shall have voted and agreed to aid in the construction of a railroad by subscription to its stock and the issue of bonds in payment thereof, and the county, town, city or village shall have subscribed on the capital stock subscription book of the company in conformity thereto for the amount so voted in aid of the construction of the road, and the railroad company relying thereupon, shall have in good faith performed and carried out its part of the agreement, and shall have constructed the same as agreed upon, no defects or irregularities in any of the proceedings preliminary to such election shall invalidate such agreement, and the subscription to the capital stock by said county, town, incorporated city or village shall be conclusive evidence of the regularity of all proceedings and the validity of the contract so entered into.

Amended—if aid has been voted, no informality in proceedings to invalidate agreement.

SECTION 3. Another mode of arriving at such mutual agreement as is specified in the act of which this act is amendatory, shall be as follows:

Another mode—company may make proposition for tax payers to sign.

1st. Within three months after the filing of any such proposition as is specified in the fourth section of the act of which this act is amendatory, with any county clerk, town clerk, or clerk of any city or village, as the case may be, the said railroad company shall cause notice to be given as prescribed in the first section of this

act, in three public places in each elec
the district in which aid is desired, stat
day named in said notice, which shall
days after its date, a petition to the pr
of such county, town, city or village w
to the resident tax payers of such cou
village for their signatures, asking suc
agree to such proposition; and such
appended to a substantial copy of sai

If majority of tax payers sign said proposition, the agreement shall be considered as perfected.

2d. If within four months after the
proposition with any such county clerl
clerk of any such city or village, as t
the said railroad company shall deliver
substantial copy or copies of such prop
with such petition to the proper aut
county, town, city or village, asking su
agree to such proposition, appended the
signatures of a majority of the persons
county, town, city or village, who w
taxes upon real or personal estate in su
city or village, as the case may be, as s
assessment roll of the district of whicl
which signatures shall be verified by
some person witnessing such signature
tual agreement for the issue of bonds
pality, and of stock by such railroad
vided in the act of which this act is a
be deemed and considered to have bee
perfected, and thereupon such bonds
be issued and delivered in conformity
tent and meaning of such proposition
visions of the act of which this is amen

Shall be applicable to any bonds.

SECTION 4. All the provisions of
this act is amendatory, so far as the sa
shall be applicable to any bonds to wl
company may be entitled by virtue of
this act, and to all stock to which a
may be entitled by virtue of the provi

SECTION 5. This act shall take effe
from and after its passage and publicat

Approved March 19, 1873.

CHAPTER 290.

[*Published March* 28, 1873.]

CT to codify and revise the laws relating to the public ting; and the publication and distribution of statutes and r public documents.

eople of the state of Wisconsin, represented in senate l assembly, do enact as follows:

Board of commissioners.

CTION 1. The governor, secretary of state and ney-general are hereby constituted a board of com- oners for letting contracts for the public printing, reafter provided.

They shall advertise biennially for bids for public printing.

CTION 2. It shall be the duty of said board, im- ately after the first day of June, 1874, and bien- y thereafter, to advertise in ten different newspa- in different sections of the state, for the term of weeks, for sealed proposals for doing, at the seat overnment, all printing and binding authorized or ired by the legislature for its use, or for the use of state in all the several departments thereof, includ- all blanks, blank books, circulars and every other l of printing or binding, for the office of the execu- school land commissioners, secretary of state, surer, attorney-general, superintendent of public uction, supreme court, military, and every other rtment of state, or in any manner pertaining to n, or any of them, or for any other purpose when authorized by law, and all printing or binding of tsoever kind or description, for which the state may able to pay.

Shall contain list of maximum prices.

ECTION 3. The advertisement mentioned in the eding section shall contain the maximum list of es established by law, the necessary forms for bids, certificate of the state treasurer and written agree- t, and the guaranty mentioned in section seven of act, the time when and the place where the bids be opened, and all other information which they deem necessary.

The maximum prices.

CTION 4. The following prices for printing and ing, and furnishing materials to be used in the ic printing of this state, are hereby established as imum prices for doing said work and furnishing materials:

The schedule.

COMPOSITION, PER 1,000 EMS.

.....	$0 50
e work.....	75
nd figure work.....	1 00

PRESS WORK.

Per token.....

PAPER PER QUIRE.

Book, 24 by 38 inches, weight not less than
ream .....
Print, 24 by 38 inches, weight not less than
ream .....
For bill work, fools cap size.....
Calendered book paper, weight not less than
ream .....

FOLDING.

Per 100 sections of sixteen pages.....

STITCHING, TRIMMING AND COVERIN

Per 100 copies.....

BINDING, PER VOLUME.

In paste board, 16mo or 12mo.....
In cloth, 16mo or 12mo.....
In sheepskin, 16mo or 12mo.....
In calf-skin, 16mo or 12mo.....
In Turkey morocco, 16mo or 12mo.....
Flat cap or cap, half-binding, sheep back..
Flat cap or cap, Russia ends and bands....
Medium or folio post, half-binding, sheep b
Medium or folio post, full sheep.....
Medium or folio post, Russia ends and ban
Medium or folio post, extra Russia ends ar
Medium or folio post, full Russia.....

BLANK BOOKS PER QUIRE, INCLUDING RUL

Flat cap, half-binding, sheep back.....
Flat cap, full sheep.....
Flat cap, Russia ends and bands.....
Flat cap, extra Russia ends and bands.....
Folio post, half-binding, sheep back.....
Folio post, Russia ends and bands.....
Medium, half binding, sheep back.....
Medium, Russia ends and bands.....
Medium, extra Russia ends and bands.....
Medium, full Russia.....
Super royal, Russia ends and bands.....
Super royal, extra Russia ends and bands..
Super royal, full Russia.....
Paging, extra, per volume.....
Indexing, extra, per quire.....

BLANKS, PER QUIRE.

Note paper.....
Letter or fools cap.....
Flat cap.....
Folio post.....
Medium.....
Bond paper.....
Ruling, extra.....
Stitching and covering, extra, per one hundr
Indexing, extra, per copy.....
Printing envelops, labels, etc., in quantities l
per hundred.....
Over 1,000, per hundred.....

A token is 240 impressions upon one side of 240 distinct sheets of paper, or 240 impressions on both sides of 120 sheets. What is a token.

SECTION 5. Previous to advertising for proposals for doing the public printing, said commissioners shall provide suitable specimens of the various styles and descriptions of printing and binding now in use in this state, which shall be properly labelled and kept in the office of the secretary of state for the inspection of bidders, and shall at all times be standard criterions for the style in which the work shall be done, as well as for the quality of the materials to be furnished by the contractor. Commissioners shall provide specimens.

SECTION 6. The contract shall be let to the person who shall bid to execute all the printing and binding, and furnish all materials required, as contemplated by section two of this act, at the greatest per centum of discount from the maximum prices established by law, such per centum of discount to be uniform on every item of work or material. In case any labor is performed, or materials furnished, by the public printer, the price of which is not fixed by law, the regular trade prices shall be allowed, after deducting such per centum as, by the provisions of the contract, is to be deducted from such maximum prices. Contract to be let to lowest bidder. When trade prices allowed.

SECTION 7. Every bid for the public printing shall be in writing, sealed, and shall have endorsed thereon the words, "proposals for the state printing," and shall be deposited in the office of the secretary of state. No bid shall be considered by said commissioners unless accompanied by a certificate from the state treasurer showing that the bidder has deposited with him one thousand dollars in money or United States bonds, and a written agreement, executed by such bidder, under seal, to the effect that if such bid be accepted, and after being notified thereof, such bidder shall fail to enter into a contract and execute a bond, as required by this act, within the time prescribed by said commissioners, or if such bidder, after executing such contract and bond, shall fail to comply therewith, then, and in either such case, the said one thousand dollars shall become absolutely forfeited to the state, and shall be no part of the penalty or damages which may be recovered upon such contract and bond. If a bid be rejected, the certificate of the state treasurer and such agreement shall be returned to the bidder, otherwise the same shall be retained until such contract and bond be fully complied with. Every bid shall also, in addition to such certificate and agreement, be accom- How bids shall be made. Must have certificate of deposit. Shall execute written guaranty.

panied by a written guaranty or u
by two or more responsible resid
the sum of five thousand dollars,
under oath as to their responsibilit
they undertake that the bidder
accepted, execute the contract and
by law, within such time as may b
commissioners. Such guaranty sh
by a certificate of a judge of a court
of such court, certifying that he is
guarantors, and knows them to b
and able to make good their guaran

Guaranty to be certified.

Commissioners to draw up contract.

SECTION 8. Within ten days a
of a bid, and notification thereof
commissioners shall cause to be d
to be entered into by said commissi
the state and such bidder, fully sett
and conditions under which the w
materials furnished, as contemplate
be executed. Such bidder shall, als
execute a bond to the state of Wis
sum of thirty thousand dollars,
two sureties, who shall be residen
state, and who shall justify under
worth, over and above all debts an
from execution, an amount equal to
in such bond, conditioned for the f
of all duties required of him by law
and conditions of his contract;
approved by said commissioners,
with the contract and all other pa
to, be deposited and safely kept in
retary of state.

Bidder to execute bond.

Forfeiture for failure to execute contract and bond.

SECTION 9. In case the success
to enter into contract and execute a
by this act, the one thousand dollar
with the state treasurer shall be fo
once become the absolute propert
there shall also be forfeited to the s
thousand dollars, the amount of
guaranty or undertaking mentioned
this act, or, if such bidder or con
contract and bond are executed, an
tered upon under the same, shall,
the term of said contract, refuse or
with the provisions of this act rela
printing, or the terms and conditio
he shall, in addition to the
lars deposited with the state treasu

n of thirty thousand dollars, the penalty of the bond erred to in section eight of this act, and such con- ctor shall further be liable to the state in damages the amount of the difference between the cost of the blic printing under his contract and the cost of the me under any subsequent contract or contracts made the commissioners pursuant to the provisions of this , for the execution of such printing during the re- inder of the term of contract of the party so failing. shall be the duty of said commissioners, in all cases forfeitures mentioned in this section, to commence d prosecute to final judgment, an action for the re- very thereof, together with the damages and costs, ich, when collected, shall be paid into the state asury.

Shall prosecute on bond.

SECTION 10. If the successful bidder shall fail to ter into contract and execute the bond required by tion eight of this act, said commissioners shall pro- ed to let the contract to the next best bidder, unless their opinion the best interests of the state require t new proposals shall be received; in which case, y shall immediately proceed to advertise for new posals, in the manner prescribed by this act. In e the contractor shall refuse or neglect to execute work according to law, and the terms of his con- ct, said commissioners shall declare his contract void his bond forfeited, and shall proceed forthwith to let the public printing in the same manner and der the same restrictions as provided by this act for ing the same in the first instance. Whenever the tract for doing the public printing shall for any rea- become void, it shall be the duty of said commis- ner to procure all necessary printing and binding to done, at the seat of government, at the lowest pos- e terms, until the same may be re-let as provided law.

If bidder fail, contract to be let to next lowest bidder.

When contract may be declared void, and re-let.

ECTION 11. The printing of the two houses of the slature shall be subject to the order and direction he two houses thereof, and the printing of the ral state departments shall be subject to the order e respective officers thereof. All orders for print- or binding for the use of any department, or for purpose whatsoever, except that ordered by the lature for its use, or that required by law to be each year, shall be made through the secretary of . And in no event shall any work ordered be n to, or executed by any one else than the state er; neither shall any order be given for any work bsolutely needed for the use and convenience, and

By whom printing to be ordered.

All work must be ordered by state printer.

in quantities within the actual requi
partment making the same.

No extra numbers to be printed.

SECTION 12. No extra number o
ports or other documents shall be p
authority of law; nor shall an extra
of any public document, not provid
published for the use of the legislatu
shall be authorized by joint resolutio
assembly.

Chief clerks to furnish copy to public printer.

SECTION 13. The chief clerk o
any joint resolution ordering printi
been introduced, shall deliver to t
copy of every such document or oth
printed, by the two houses of the
same day such orders are made, and
printed with the least possible del
clerk of each house shall, within
close of each session, furnish to suc
copy of the journals of their res
gether with a copy of all reports ma

How the session laws are to be printed and designated.

SECTION 14. The laws passed
session of the legislature from and a
this act, shall be printed on good book
octavo size, on neat small pica type,
nated under one general name of "
consin," and shall be numbered by
state in consecutive chapters, as they
the governor, without reference to th
said laws, and shall be printed and
ume, except when the number of p
twelve hundred, in which case they
two volumes, as nearly equal in size
volume to be indexed separately, a

Shall be compared by secretary of state.

volume one and volume two respect
as it is printed, shall be compared b
state with the original enrolled act, a
the volume or volumes the said secr
annex his certificate, certifying that
the printed copy with the original en
it appears to be correctly printed.

How journals, reports and documents shall be printed.

SECTION 15. The journals of the
bly, and the volume of the message
and all reports and memorials or ot
ments required to be printed in pamp
statute, or by the legislature or any
shall be printed on book paper, of me
on long primer type, and in as comp
be consistent with good workmanship,
sary blank or broken pages. When

ments are covered in paper, the title shall be printed on such cover only; but when the same or any number thereof shall be ordered bound in any other style, all such documents shall contain a title page. The volume of message and documents shall contain no matter which is required to be inserted in the laws or journals; and all such documents as are required to be inserted in such volume, shall follow each other in as compact order as is consistent with good workmanship, without unnecessary blank or broken pages, the printer merely designating, at the head of the first page of each pamphlet, the number and character thereof, with a table of contents in front of the volume, giving the title and number of each document embraced therein. When the number of pages shall exceed twelve hundred, the secretary of state may order the same bound in two volumes, as nearly equal in size as may be, to be numbered volume one and two.

What volume of message and documents to contain.

SECTION 16. All bills, resolutions and memorials printed in bill form for the use of the legislature shall be printed on foolscap paper, on small pica type, each page, except the first or title page, containing not less than twenty-five lines, of the usual length, with at least pica blank between the lines. No greater space shall be left at the head of the first, or title page, than is required to designate the number and title of the bill, the name of the person or committee introducing the same, the day of the month and year when introduced, the house in which it shall have originated, and any other matter which shall precede the body of the bill.

How bills, resolutions and memorials shall be printed.

SECTION 17. The journals of the senate and assembly, or "daily slips," printed for the use of the legislature while in session, shall be printed in pamphlet form, on good printing paper, of medium octavo size, and folded, without being stitched. The subject matter to be printed in such journals shall correspond in style, as nearly as may be, to the journals of the United States congress. Such journals, together with the work mentioned in the preceding section, shall be delivered to the sergeant-at-arms of each house of the legislature, to be carefully counted, weighed and receipted for by them. Such receipts shall be made in a suitable book to be provided by the state printer for that purpose.

How "daily slips" to be printed.

SECTION 18. Every act of general application and acts affecting counties, towns, cities, villages and school districts, public roads, highways and bridges, and the taxes to be raised therein or therefor, and all acts for the preservation of fish or of game, shall, be-

What acts shall be published in official state paper.

fore they shall take effect, be publ
cial state paper, and such publicati
immediately after the passage and a
acts; the said publication to be unde
supervision of the secretary of state
ing only individuals, private corpor
shall take effect without such pu
shall be especially provided in such
be published before they shall tal
publication in the official paper, in
specially ordered.

Private acts not to be published.

Secretary shall furnish copies of all laws to be published.

SECTION 19. The secretary of s
for the official state paper, copies o
to be published, immediately after t
the close of every session of the le
also furnish for the state printer, co
passed at said session, with an inde
head notes thereto attached, togethe
resolutions and memorials approve
and the said state printer shall print
olutions and memorials with all pos
in the publication and printing of t
lutions and memorials, the signatu
affixed to the enrolled act, resolution
be omitted, and the date of appro
affixed thereto.

Size of printed pages fixed.

SECTION 20. The laws and jou
the governor, reports of state office
ers of school and university lands,
tees of the legislature, and all other
by the legislature, or any departme
any other document, the printing
authorized by law, to be hereafter
uniform size, and every full page
shall be of the width of four inches
of seven and a quarter inches, so a
being bound together in a compact f

Publication of "copy laws."

SECTION 21. All publishers of
who shall publish in their respecti
of the public acts of general intere
session of the legislature, which shal
the secretary of state, in the offic
"copy" laws, shall be allowed sixt
publication, upon filling satisfact
affidavit, with the secretary of state,
been published, as provided in this
amount the secretary of state shall dr
the general fund of the state treasur
of such publishers.

SECTION 22. The secretary of state, immediately after the publication in the state paper of any of the class of local laws referred to in section eighteen of this act, which are required to be published in the official state paper, shall furnish a copy thereof to the publisher of the newspaper published at a place nearest the point to which the subject matter or any such law relates. Where more than one paper is published in the same place, the secretary of state shall select the paper in which such publication shall be made. All such publications shall be made in the English language.

Publication of laws in local papers.

SECTION 23. All accounts for the public printing, and all other work and advertising authorized by this act, shall be audited by the secretary of state; and he shall draw his warrant for the same, which shall be paid by the state treasurer out of the general fund.

By whom all accounts to be audited.

SECTION 24. All such accounts shall be verified by the affidavit of the claimant or his agent; and if the work is done by order of the legislature, or by a general law requiring it to be done each year, such account shall be accompanied by a receipt of the superintendent of public property, certifying that such work is received, counted, examined and found to correspond with such order, or in accordance with the requirements of the law authorizing the same.

How accounts to be verified and certified.

SECTION 25. Accounts for printing, or for any work done pursuant to the provisions of this act, other than that contemplated by the preceding sections, for the use of any department, or for any purpose whatsoever, shall be accompanied by a sample of the work done, and by the receipt of the officer or person for whom the same was ordered, certifying that the work is received and counted, and found to correspond with the order for the same.

Printing to be receipted for, and sample attached.

SECTION 26. All blanks ordered requiring both sides to be printed, shall be audited and paid for by adding to the maximum price for printing one side, sixty per cent. of such maximum price for printing the other side.

Addition for printing both sides.

SECTION 27. For the purpose of estimating paper in executing the printing of any book, pamphlet or daily slip of less than thirty-two and more than sixteen standard pages, the public printer shall be allowed the same as for a full sheet. If sixteen or less such pages, the same shall be counted as half sheets. To determine the number of sheets contained in any book, pamphlet or daily slip of more than thirty-two such pages, the whole number of pages thereof shall be divided by thirty-two, and any remaining fraction of a

How paper to be estimated.

sheet shall be counted as before p
section.

How composition to be computed.

SECTION 28. In computing the
pamphlets bound in paper covers,
every necessary fraction of a page sh
a full page; but no entire blank page
In computing the composition on th
and other volumes requiring title p
page on the back of the title page,
blank pages throughout the volume, a
ship requires, shall be counted.

When more than one charge for composition allowed.

SECTION 29. When any docume
pamphlet form, the matter of which is
of the volumes of laws, journals, or v
age and documents," but one charge
shall be allowed on matter containe
let; but should a second order for
the same matter be made, after the
been distributed on which the first
been executed, such matter may be

Per cent. for reimposing.

composition. No charge for composi
slips," and other matter required to b
journals and the message and report
ments, which are to be bound togeth
of "message and documents" shall b
it shall be necessary to reimpose th
case ten per cent. of the price of com
ter embraced therein shall be allowed

Committee on printing.

SECTION 30. At the commencem
sion of the legislature there shall be
respective houses a committee, consis
bers of the senate and three membe
bly, which shall constitute the commi

Their powers.

SECTION 31. The committee on p
power to examine all accounts and ot
in the office of the secretary of state,
investigate all matters relating to th
state; and they may report to the l
or joint resolution, as they shall deem

PRINTING PUBLIC DOCUM

Printing of the annual reports.

SECTION 32. Within ten days aft
ports of the several state department
tutions shall have been placed in the
ernor, and by him revised as provided
deliver them to the public printer, w
ately proceed to print three thousand
said reports, excepting that of the stat
of which there shall be printed eight

Eight hundred copies of each of said reports, together with the annual message of the governor to the legislature first to convene after the delivery of said reports, shall be bound into eight hundred volumes, each containing one of each of said reports and the governor's message, and be delivered to the superintendent of public property within one month after the commencement of the legislature.

Number of copies of laws to be printed.

SECTION 33. Ten thousand copies of the laws passed at each session of the legislature, including the joint resolutions and memorials, shall be printed and bound by the state printer, on good book paper; five hundred copies to be bound in full sheep, and the remainder in half binding with sheep backs, to be distributed as hereinafter provided. The laws of each session shall be printed and delivered within sixty days after the final adjournment of the session of the legislature at which the same were enacted; and whenever there is or may be an extra session, the laws passed at such extra session shall be printed and bound as distinct and separate volumes, and shall be completed and delivered within thirty days after the adjournment of the same; and for each day's delay in the delivery of said laws, or any of them, after the time fixed for the delivery thereof, the said printer shall forfeit ten dollars per day, to be deducted from his bill for said work in settlement made for the same by the secretary of state.

When shall be delivered.

The journals of the legislature.

SECTION 34. There shall be printed on good book paper, and bound in half binding, with sheep backs, by the state printer, six hundred copies of the journals of each house of the legislature, to be distributed as hereinafter provided.

Supreme court reports.

SECTION 35. The supreme court reporter shall, in each year, publish a volume of the decisions of the supreme court, with a brief abstract of the case when necessary, and suitable notes of the points decided in each case. Each of said volumes shall contain at least seven hundred and fifty pages, and be printed and bound in a good, substantial manner and form, and of good material for law books; and the said reporter shall have the copyright of the same. Said reporter shall also cause the plates of all volumes of such reports to be stereotyped, and shall deliver to the state five hundred and fifty copies of each volume hereafter published and stereotyped. There shall be republished from time to time, under the direction and by the approval of the supreme court, all volumes of the reports of the decisions of said court, which shall be out of print, or so nearly so as to make the republication

Reporter to have copyright, shall stereotype plates, shall reprint.

thereof, in the opinion of the court
such republication shall be edited
learned in the law, and resident of th
be selected or approved by said co
manner and with such reduction of th
umes to be furnished the state, as sa
its order direct, in no case to exceed
twenty-five copies. The entire cost
shall be paid by such publisher, and
the present volumes, and the paging,
in such new edition. The plates of
of reports as shall be republished sha
and of the same style and quality,
binding, as volume 25 of Wisconsin

Cost to be paid by publisher.

Printing of State Historical Society reports.

SECTION 36. Two thousand copi
and collections of the State Historica
consin shall be printed by the state
every two years, commencing in the
reports shall be printed on the best
paper, weighing not less than fifty po
and bound in cloth and properly let
of the society in effecting its literary
matter for such publication shall be s
proval of the governor, secretary of s
lication committee of the Historical
volume of such reports shall contain
printed matter. There shall also b
state printer in the year 1873, (as
law,) fifteen hundred copies of the
library of the society, on good book
not less than fifty pounds to the rear
cloth and properly lettered; and the
supplementary catalogues shall be p
phlet form, stitched and covered, or
paper, not oftener than every two yea
the use of the society.

Transactions of the State Agricultural Society.

SECTION 37. There shall be printed
state printer on the order of the govern
copies of the transactions of the Wisco
cultural Society, together with abstrac
of county agricultural societies, and su
pertaining to the industry of the st
deemed most important: *provided*, ths
printed pages of said volume of trans
exceed five hundred. Said transaction
on good book paper, and bound in
uniform in style with the previous vol

SECTION 38. There shall be printed annually by the state printer, until the legislature shall otherwise order, two thousand copies of the transactions of the State Horticultural Society, together with abstracts of the reports of other horticultural associations of the state, so far as the same may be furnished, also, such necessary engravings of new fruits, system of pruning, and insects injurious to fruit culture, as shall be necessary to properly illustrate the printed matter, the cost of said engravings not to exceed one hundred and fifty dollars in any one year, and the number of printed pages in any volume so published, shall not exceed two hundred. Said transactions shall be printed on good book paper, and bound in muslin covers, uniform in style with the last volume published.

Transactions of the State Horticultural Society.

SECTION 39. The secretary of state shall, in his discretion, as often as seems necessary, cause to be printed in pamphlet form by the state printer, for distribution to county and town officers, a compilation of the laws for the "assessment and collecton of taxes," or the laws governing "elections and the registry of of electors," with such forms and instructions as he shall think proper, to aid such officers in the performance of their duties.

Printing of assessment and election laws.

SECTION 40. The secretary of state is hereby authorized to audit the account of the reporter of the supreme court at the rate of four dollars and fifty cents per volume, for the reports of the decisions of the supreme court, which he is required to furnish the state, upon his furnishing satisfactory proof that the plates of such volumes have been stereotyped. The publisher of any such new edition of the volumes of supreme court reports, upon furnishing to the secretary of state satisfactory proof of the delivery of such volumes, and that the plates thereof have been stereotyped, shall receive from the state the same price per copy authorized to be paid the reporter of the supreme court for the current volumes of such reports.

Price of supreme court reports.

DISTRIBUTION OF PUBLIC DOCUMENTS.

SECTION 41. All public documents provided for in this act shall be delivered to and receipted for by the superintendent of public property, who shall be the custodian thereof, and distribute the same in the manner provided by law, keeping such records as shall be necessary to show the number, date, and to whom such documents were delivered. All provisions of law requiring such documents to be delivered to and distrib-

How public documents to be distributed.

uted by the secretary of state, shall
strued to refer to the superintendent o

Congressional and state libraries to be furnished.

SECTION 42. There shall be annu
Washington for the use of the congres
volumes of the laws, supreme court r
journals, reports of departments, and
published by authority of the state;
each of such publication shall be forw
eral states and territories which pra
with the state of Wisconsin.

State institutions and state officers.

SECTION 43. There shall be delive
state institutions, State University an
and also to each college, incorpora
literary institution of this state, ha
three hundred volumes, upon applica
therefor, one copy each of all docum
state authority; said documents to b
person authorized by the president o
institutions to receive them. The se
shall be furnished at all times with su
longing to the state as may be necess
for the business of their respective o

Shall deposit copies with State Library and State Historical Society.

SECTION 44. Twenty-five copies
document published by state author
for the use of the state, in quantiti
hundred copies, excepting the Le
shall be deposited in the state library
of; and as often as necessary, such
tional copies of such documents as
may be furnished the state library, as
to keep the original deposit complet
copies of each of the several publica
shall be delivered to the State Histo
the purpose of effecting exchanges w
and literary institutions.

Reports for the legislature.

SECTION 45. Twelve hundred copi
annual reports of the state departme
stitutions shall be delivered to the le
use of the members, at the commenc
suing session after the delivery of sai
remainder shall be delivered to the
stitution making the same.

Distribution of message and documents.

SECTION 46. One hundred and f
governor's message and accompanying
be delivered to the legislature first
the delivery of said reports, and the re
retained for distribution as required b
by subsequent legislatures.

SECTION 47. One copy each of the journals of the nate and assembly shall be delivered to each mem- ır of the legislature to which such journals relate. Of the journals.

SECTION 48. The laws passed at each session of the gislature shall, immediately after their publication in ›lumes, be disposed of as follows: Of the laws.

1st. To each state officer, justices of the supreme ›urt, judges of the United States courts, judges of cir- iit, county and municipal courts, in this state, and the erks of said courts, the district attorneys of the nited States and this state, the secretary of state of ıe United States, one copy each.

2d. To the governor of each state and territory of ıe United States, free of expense (if such courtesy be ›ciprocated), two copies, accompanied with a request ıat a similar contribution be made to the governor of ıis state, of the laws of the respective states and ter- tories. To governors.

3d. To the register of deeds to each county, a suf- cient number of copies of the laws, to be distributed y him to each of the following officers in his county, llowing one for each, viz: Members of the legislature, ounty clerk, county treasurer, sheriff, coroner, county uperintendent of schools, county superintendent of oor, and chairman of the board of supervisors, justices f the peace, and town clerks in each town; and said egister of deeds shall retain one copy for his office; ut no person who shall hold more than one office shall e entitled to more than one copy. To registers of deeds.

SECTION 49. The superintendent of public property s hereby authorized to furnish copies of the revised tatutes to all officers of the several counties of the tate who are entitled to receive the laws of the state, pon the following conditions: Every person applying or a copy of the revised statutes shall furnish the cer- ificate of the county clerk of the county in which the erson making the application resides, showing that uch person is an officer of such county, entitled by aw to receive the session laws of the state, and a state- nent of the person making such application, giving the acts upon which he claims to be entitled to a copy of uch statutes, and upon the receipt of the certificate nd statement aforesaid, if it shall satisfactorily appear hat the person applying has not been furnished with he revised statutes, or that from any cause other than ross negligence, the copy furnished such person or is predecessor has been lost or destroyed, a copy shall e furnished him without cost to the state. Distribution of revised statutes.

How copy of laws to be stamped and handed over to successor.

SECTION 50. The copy of the la
person, on account of any office h
have stamped or written thereon the
held by such person, and he shall,
hold such office, deliver over to his
all laws received by him as such of
receipt of his successor therefor, a
ceipt, if a town officer, with the to
county officer, with the register of de
son who shall neglect or refuse to
successor in office all laws receive
said, shall be liable to such succes
replevin for the same, or for money
to the full amount it shall or wou
nish himself with such laws, and co
action shall, on request, be brought
the district attorney of the county
while he continues to hold any offic
title him to such laws, shall be req
same as aforesaid.

Registers of deeds to furnish statement, and superintendent of public property to distribute laws.

SECTION 51. The register of de
within one month after the adjournm
ture in each year, shall forward to
of public property a statement of the
in his county entitled by law to a c
the preceding legislature, and as soo
ready for distribution, the superin
property shall forward to each regist
in boxes, the number of copies of law
statement, including one copy each
the preceding session, and the messa
for each member of the legislature re
ty, and take a receipt therefor. All
porting such documents to any cou
this section shall be paid out of the
and it shall be the duty of the regist
county to deliver such documents to
to receive them, and not dispose of
manner.

Shall keep remaining copies for sale.

SECTION 52. The revised statu
journals and documents remaining af
provided for by law, shall be safely
new counties and towns, as they sh
to receive the same, but the superin
property may sell to any person bei
state, a copy of each publication pr
printer, at the cost price thereof, to b
secretary of state. And it shall be
superintendent of public property to

account of such sales, and to pay the amount realized therefrom into the state treasury at the end of each quarter.

SECTION 53. The volumes of supreme court reports remaining on hand after the distribution provided for in this chapter shall be delivered to the state librarian, for him to dispose of as provided by law. Supreme Court reports—where deposited.

SECTION 54. The reports of the transactions of the State Historical Society shall be delivered to the secretary of said society. Transactions of State Historical Society.

SECTION 55. The transactions of the State Agricultural Society shall be distributed as follows: One thousand copies to the legislature; one hundred copies to the State Historical Society; one hundred copies to the Academy of Sciences, Arts and Letters; fifty copies to the State Horticultural Society; fifty copies to each district industrial organization embracing two or more counties, and furnishing the State Agricultural Society a report of its proceedings; twenty-five copies to each County Agricultural Society, and the remainder to the State Agricultural Society. Of State Agricultural Society.

SECTION 56. The transactions of the State Horticultural Society shall be distributed as follows: Three copies to each member of the legislature; fifty copies to each county or town horticultural society who shall report its organization, with officers elect, and number of members, with an abstract of its proceedings for publication in said volume, to the secretary of the State Horticultural Society; fifteen copies to each county agricultural society; twenty-five copies to the State Agricultural Society; twenty-five copies to the State Historical Society; fifty copies to the State University, and the remainder to the State Horticultural Society. Of State Horticultural Society.

SECTION 57. In the distribution of books or other packages, when such distribution is directed by law, if such packages are too large, or would cost too much to send by mail, they shall be sent by express, and the accounts for such express charges properly certified to, shall be audited by the secretary of state, and paid from the general fund. How books to be sent.

SECTION 58. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to meet the expenditures authorized by this act. Annual appropriation.

SECTION 59. Chapter six of the revised statutes, chapter three hundred and fifteen of the general laws of 1860, chapter one hundred and eighty-two of the general laws of 1865, chapter sixty of the general laws of Acts repealed.

1870, and all acts and parts of
the provisions of this act are hereb
SECTION 60. This act shall take ef
from and after its passage and publi
Approved March 19, 1873.

CHAPTER 291.

[*Publis*

AN ACT to amend chapter one hundred
general laws of 1872, entitled "an act i
and the organization of railroad compa

The people of the state of Wisconsin,
and assembly, do enact as follows:

Amended—may acquire property for depots and stations.

SECTION 1. The third subdivisio
of chapter one hundred and ninet
laws of 1872, entitled "an act in re
and the organization of railroad co
amended so as to read as follows:
der the provisions of this act or by
real estate and other property as m
the construction, maintaining and
railroad and the stations, depot gro
commodations for accomplishing t
corporation; to hold and use the
lease or otherwise dispose thereof, o
cel thereof when the same shall b
sary for its use.

Amended—petition for appointment of commissioners.

SECTION 2. Section fourteen of
hundred and nineteen is hereby am
as follows: "Section 14. For the p
such title, the said company may fil
for the appointment of commission
the circuit court or the judge thereo
which the real estate described in t
ate, which petition must be signed
attorney or some other authorized
pany. If such real estate is desi
building grounds or yards for said
for a part of its main track, such
that the company is duly incorporat
the real estate sought to be acquire
required for the purpose of operat

What petition shall state, if for stations.

that it is the intention of the company, in good faith, to use it therefor and therein, the names of the owners and parties interested therein, and such other facts touching the same as said company shall see fit to make. If such real estate is desired for the main line of the railroad of such company, or in part for the main line and in part for station or building grounds, yards or other purposes, said petition shall state that such company is duly incorporated, that it is the intention of the company, in good faith, to construct the road authorized by its charter, that said company has surveyed its route over the lands sought to be acquired for its main line, and has actually staked out the center line of its proposed road over the grounds desired for such main line, and shall contain a description of the lands across which said line shall have been so staked out by the subdivisions of the government survey, and in case a greater width than one hundred feet shall be desired to be taken across any tract, shall specify the width desired across said tract, and shall contain a description of the land sought to be acquired for depot, station or building grounds, and the other purposes of said company, that the route of said road has been located by its board of directors upon the line so staked out, and that the real estate so described is required for the purpose of constructing and operating the proposed railroad, the names of the parties who own and occupy said real estate, as near as may be, and if any of such persons are infants, their ages as nearly as may be, and if any are persons of unsound mind or unknown, these facts shall be stated, with such other facts as the company shall see fit to state; said company shall annex to such petition a map showing the route of its said road, and the lands desired to be taken for right of way, and for depots, stations, building grounds, yards and other grounds, and shall file the same in the office of the clerk of the circuit court of the county in which such real estate is situated. The filing of such petition shall be the commencement of a suit in said court. Upon the filing of such petition, the said court or judge thereof shall make an order, prescribing the notice to be given of the time and place of hearing said petition, which notice shall state the filing of such petition, the object thereof, and shall refer by general description to the lands described in the petition, and shall be addressed to the parties named in the said petition and to all persons interested in said lands, and may be served personally or at the last and usual abode of such owners

If for main line in part.

Shall annex map of route of petition.

Notice of time and place of hearing.

and parties interested, not less tha
such hearing, or by publication in s
be designated by said court or judge
days before the date fixed for the h
tition."

Amended—commissioners' report to be recorded.

SECTION 8. Section eighteen of
hundred and nineteen is amended
"The report of the commissioners
by the clerk of the court, in whose
filed in the judgment book of such
time after the making of such award
pany may pay to the owner or own
taken, or to the clerk of said court f
owner or owners the amounts awarde
sioners, and thereupon, may enter u
the land for the purposes for which
and may move said court or judge

May issue writ of assistance.

hours' notice, that a writ of assistanc
put the railroad company into posse
and said court or judge shall, upon t
ing security in such additional amo
judge shall require, to pay any jud
be recovered against it, on appeal,

In case of appeal, how money withdrawn.

If such railroad company be in po
possession of such land pending an
or parties entitled thereto shall be
the money paid into court on accoun
pealed from, without prejudice to
but if the railroad company shall ha
money shall only be so withdrawn
in such sum and with such surety as
by the court or judge, to repay the
such award shall be abated on such
If the said company shall omit for
days to pay the amount so awarded
pay into court the amount of any fin
shall be rendered upon any appeal
the party interested in such award
have execution upon said judgment,

In case of defect of title, how rights of parties determined.

of such award upon motion. If an
or incumbrance upon any parcel of
be suggested in said petition, or if
proceeding or any person not a party
said court, setting up a claim adve
out in said petition to said premises,
or any part of it to be paid as con
property so taken, the court shall h
the rights of the parties to said m
purpose may order a reference or a

by a jury. Either party may except to the decisions of the court, and appeal to the supreme court, in like manner as in actions. Either court may award costs to the prevailing party, and under [render] judgment therefor against the other party.

Either party may appeal.

SECTION 4. Section twenty-two of said chapter one hundred and nineteen is hereby amended so as to read as follows: In any case when a railroad or railway company shall not have acquired title to the lands upon which they shall have constructed their road bed or track, or any part thereof, or if at any time after an attempt to acquire title by purchase, appraisal or otherwise, it shall be found that the title thereby acquired is defective, the company may proceed to acquire or perfect such title, in the manner provided in this act, and at any stage of such proceedings, the court in which the same shall be pending, or the judge thereof, may authorize such company, if in possession, to continue in possession, and if not in possession, to take possession and use such lands during the pendency of such proceedings, and may stay all actions or proceedings against such company on account thereof, on such company paying into court a sufficient sum, or giving such security as such court or judge may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such lands may institute and conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same at the cost and expense of the company, but no injunction to restrain the completion or operation of the road shall be granted, until such compensation has been fixed and determined, and in case such company or the person or corporation through or under which they claim title, shall have paid to the owner of such lands, or to any former owner thereof or to any other person or persons having any mortgage or other lien thereon, any sum or sums of money on account of such lands; such sum or sums, with interest thereon from the date of such payment, at the rate of seven per centum per annum shall be deducted from the award made by said commissioners to such owner or other person or persons. In case there shall be a disagreement between such company and the owner of such land, in relation to the payment of any sum or sums as aforesaid, or the amount or date of any payment that may have been made, the court or judge thereof shall, at the request of either party, award an issue which shall be tried in the same manner as issues of fact in said court, and an appeal from the decision of judgment thereon may be

Amended—in case of defect of title company may perfect the same, and retain possession.

Party interested may institute proceedings.

In case of disagreement, how issue is to be made and determined.

taken to the supreme court in the sa
the trial of issues of fact.

SECTION 5. This act shall take
from and after its passage and publ

Approved March 19, 1873.

CHAPTER 292

[*Publi*

AN ACT to provide for a complete geo consin, and to repeal chapter one hundr the general laws of 1870, entitled "an survey of the lead district, making ma tics from the same," and chapter one of the general laws of 1872, amendator

The people of the state of Wisconsin, and assembly, do enact as follows:

Shall appoint chief and assistant geologists.

SECTION 1. The governor is he point, by and with the advice and ate, a chief geologist, who shall be integrity, thorough, practical and of the sciences of geology and mi recommendation of said chief geo shall appoint one or more assistant number four, one of whom shall be

Their duties.

chemist and assayer; the said chie assistants to constitute a geological it shall be to make a thorough and mineralogical and agricultural surv topographical surveys of such po deemed by the corps to need the completion of the work: *provided*, ment of chief geologist be made d the senate, such appointment may next session thereof.

Objects of the survey—examination of geological structure.

SECTION 2. The survey shall 1st. An examination of the ge the state, including the dip, numb and relative position of the variou ness in minerals, metalic ores, cla fertilizers, building stones, and oth the value of such materials for eco their accessibility for mining and m

2d. Accurate chemical analysis and assays of the various ores, clays, peats, marls, building stones, etc., discovered by the state. Chemical analysis.

3d. A careful topographical survey of the lead region, for the purpose of ascertaining as far as possible, the amount of denudation, and the exact position of the mining ground at each locality; also such other topographical surveys as shall be deemed necessary by the corps, also careful barometrical observations on the relative elevation and depression of various parts of the state. Topographical survey of lead regions.

4th. An examination of soils and subsoils, and observations upon the animal and vegetable productions of the state, with reference to its agricultural interests. Examination of soils.

SECTION 3. It shall be the duty of said geological corps, in the progress of the examinations hereby directed, to collect such specimens of rocks, ores, fossils, minerals, etc., as may be necessary to exemplify the geology of the state; sets of these specimens shall be deposited with the Wisconsin Academy of Sciences, Arts and Letters, and the State University, and with each one of the incorporated colleges in the state, and with each of the normal schools: *provided*, application be made to the chief geologist before the commencement of the field work. Shall collect specimens, and where deposit them.

SECTION 4. It shall be the duty of said chief geologist and his assistants, on or before the first Monday in January of each year during the continuation of the survey, to make to the governor a report of the progress and result of the survey, accompanied by such maps, profiles and drawings as may be necessary to exemplify the same, which reports the governor shall lay before the legislature. Shall make annual report.

SECTION 5. As soon as the progress of the survey shall permit, the chief geologist shall begin, and on completion of the survey, shall complete a final report, including the results of the entire survey, accompanied by such drawings and topographical maps as may be necessary to illustrate the same, and by a single geological map showing by colors and other appropriate means, the stratification of the rocks, the localities of the beds of mineral deposits, and the character and extent of the different formations. Shall make complete final report.

SECTION 6. To carry into effect the provisions of this act, the sum of thirteen thousand dollars for each year, until the completion of said survey, is hereby appropriated to be drawn from the treasury on warrants of the governor, as needed; which shall be in full for Appropriation.

The salaries.

all expenditures except printing of
of the chief geologist, (not exceed
dollars), and the salaries of the assi
be fixed by the governor, and shall
ally performed, and time actually
The balance of the sum hereinbefor
be used in such manner as shall be
poses of this act.

When and where survey to commence.

SECTION 7. The survey shall
first of June next, or as soon there
beginning with the counties of As
and the entire survey shall be con
years from and after its commence

Repealed.

SECTION 8. Chapter one hundr
of the general laws of 1870, entitle
for the survey of the lead district,
collecting statistics and specimens
chapter one hundred and thirty-six
of 1872, amendatory thereof, are he

SECTION 9. This act shall take
from and after its passage.

Approved March 19, 1873.

CHAPTER 29

[*Publ*

AN ACT regulating the salaries of the
court.

The people of the state of Wisconsin,
and assembly, do enact as follows:

Salaries of justices of supreme court.

SECTION 1. The salary of the
each of the associate justices of th
the state of Wisconsin, hereafter el
is hereby established at the sum o
lars per annum; and there is here
priated, to be paid out of the state
ner now provided by law, the sums

SECTION 2. All acts or parts o
this act are hereby repealed.

SECTION 3. This act shall ta
force from and after its passage and

Approved March 19, 1873.

CHAPTER 294.

AN ACT to authorize the La Crosse and Minnesota Bridge Company to bridge the Mississippi river opposite the county of La Crosse, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The La Crosse and Minnesota Bridge Company, a corporation created and existing under the general laws of the state of Wisconsin, its successors and assigns are hereby authorized and empowered to lease, purchase, build or construct a railway bridge, or railway and wagon bridge combined, across the Mississippi river, between the county of La Crosse in the state of Wisconsin, and the county of Houston in the state of Minnesota, at such point as is now or shall be hereafter authorized by any act of congress, or is or shall be located by the secretary of war in pursuance of any law of the United States, said bridge to be located and constructed in conformity to the laws of the United States in that behalf. May lease or build railroad bridge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 295.

[*Published March 27*, 1873.]

AN ACT for the better protection of cranberry marshes, pine and farm lands from fire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. If any person shall set on fire, or cause to be set on fire, any woods, or prairie, or meadow (either upland or marsh), or cranberry marsh on lands not belonging to himself, during the months of August, September, October and November, in any year, every person so offending shall, on conviction thereof, for every such offense, be fined in a sum not exceeding five hundred dollars nor less than twenty dollars, or be imprisoned in the county jail not exceeding ninety days. Penalty for setting fires in certain months.

nor less than thirty days, or both fine
in the discretion of the court. And i
the duty of the county board of supe
circumstances may require it, to cau
published in a newspaper published
requiring the same, at least once dur
August in each year.

SECTION 2. This act shall be in for
its passage and publication.

Approved March 19, 1873.

CHAPTER 296.

[*Publish*

AN ACT to provide compensation for oper sion, and indexing and completing the journals of the senate and assembly.

The people of the state of Wisconsin, re and assembly, do enact as follows:

Appropriated to J. H. Waggoner.

SECTION 1. There is hereby appr Waggoner, chief clerk of the senate, in the state treasury not otherwise sevices prior to and at the organizati senate, the sum of fifty dollars; for in journal of the present session, the su dollars; and for completing the tra senate journal, the sum of two hu dollars.

Appropriated to E. W. Young.

SECTION 2. There is hereby appr Young, chief clerk of the assembly, in the state treasury not otherwise services prior to and at the organizati assembly, the sum of fifty dollars; assembly journal of the present ses two hundred and fifty dollars; and fo transcribing of the assembly journa session, the sum of two hundred dollars.

Not to be drawn till work is done.

SECTION 3. The money hereby a not be drawn from the treasury until state shall certify that the duties he shall have been respectively performe

SECTION 4. This act shall take effe from and after its passage.

Approved March 19, 1873.

CHAPTER 297.

[*Published March 27, 1873.*]

AN ACT to amend chapter one hundred and forty-six of the general laws of 1872, entitled an act to authorize the organization of corporations for other than manufacturing, mercantile, insurance, banking, transportation or trading purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—stock in educational institutions may be transferred.

SECTION 1. Section fourteen of chapter one hundred and forty-six of the general laws of 1872 is hereby amended by adding at the end thereof the following, to wit: In any corporation created under any law of this state to maintain schools, high schools, colleges or universities, the affairs of which are managed by a board of trustees or directors, elected by stockholders, it shall be competent for any stockholder to transfer his stock to such board and to their successors for the use of the corporation. Such transfer shall not extinguish the stock, but if the written transfer shall so declare, such stock shall not again be transferable, and such board and their successors shall perpetually hold the same, with power, by agent or proxy, to vote upon such stock at all elections, and such share of stock shall entitle the holder thereof to one vote. Such board shall have power, for the benefit of the corporation, to receive donations of money or property by way of endowments or otherwise, for the maintenance of the institution under their care, and to invest, re-invest, collect and manage the same for the uses for which such donations are severally made.

May receive donations.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1873.

CHAPTER 298.

[*Publ*

AN ACT to authorize Wood county to b free bridge across the Wisconsin river section eight, town twenty-two, range six

The people of the state of Wisconsin, r and assembly, do enact as follows:

May erect and maintain free bridge.

SECTION 1. The county of Wood ized to erect and forever maintain a the Wisconsin river upon section number twenty-two north, of range as follows: From a point within Rapids, and upon said section eight, hereinafter provided, across the Wis "grand chute," to a corresponding p eight within the village of Centralia tal cost of building and completing not exceed fifteen thousand dollars; *ther*, that nothing herein shall be he authorize any impeding or obstructio gation of the Wisconsin river for log

Supervisors may fix location of bridge.

SECTION 2. The board of superv ty of Wood are hereby authorized fix upon and determine within the li section one of this act, the exact loca by this act authorized to be erected, ors are authorized and empowered to of said county, and in its corporate n more responsible parties for the erect in whole or in part, as the best inter shall seem to require; and all contra a public manner, and to the lowest r after a public notice of at least three w one or more newspapers in the county that the time for awarding such con may be postponed from time to time terest may require, and reasonable pu postponement shall in all cases be giv *further*, that the said board of supe the right, if in their best judgment th will be best subserved thereby, to co and completion of said bridge under a committee not exceeding three in nu en *viva voce* by the said board of sup

May make contract.

May erect bridge under supervision of committee.

eral meeting thereof, and to act during the pleasure of the said board of supervisors only.

Dimensions of the bridge.

SECTION 3. The bridge aforesaid shall not be less than sixteen feet wide, shall have strong railing at the sides, and shall be constructed and maintained in a safe and substantial manner for the passage of teams, animals and foot passengers; and the said board of supervisors may at any time prescribe regulations for the government of said bridge, including penalties for the violation thereof, not inconsistent with the laws of this state, which penalties may be enforced by actions as for tort, brought in the name of the state and at the instance of any tax payer, and shall be in all respects conducted like ordinary actions in tort, before any justice of the peace of said county, or the police justice or other justice of the city of Grand Rapids; and all moneys recovered in any such action, exclusive of costs, shall be paid into the county treasury. A legible copy of all regulations, and of penalties for violations thereof, hereby authorized, shall be posted in a conspicuous place upon or near either end of said bridge, and shall immediately thereafter be deemed in full force.

May prescribe regulations.

Copy of regulations to be posted.

Compensation of committee.

SECTION 4. The members of the committee herein authorized to be chosen shall receive such compensation as the board of supervisors may authorize, not exceeding three dollars for every day actually employed: *provided*, that if such board of supervisors shall choose to so employ but one person, who shall be an experienced and skillful bridge-builder, they may pay him such compensation as shall be usual and reasonable for such persons.

May levy "county bridge tax."

SECTION 5. The board of supervisors of said county of Wood are hereby authorized at the time and in the manner provided by law for levying county taxes, to levy a tax upon the taxable property in said county sufficient to pay the expense of erecting and completing the said bridge: *provided*, that not more than one-third of said amount shall be levied as aforesaid in any one year. The tax so levied in any year shall be certified separately by the county clerk to the several towns, villages and cities in said county, and shall by them be put in the assessment roll in a separate column, and shall be designated as "county bridge tax," and shall be payable in money.

May issue bonds in lieu of tax.

SECTION 6. If the said board of supervisors shall deem the same preferable to the mode of raising money to erect the said bridge authorized by the preceding section, they are hereby authorized to issue the bonds of the said county of Wood to an amount not exceed-

ing fifteen thousand dollars, which
ceeds thereof, or so much thereof as
shall be applied in payment of the
ing and completing the bridge herei
and for no other purpose. Said bo
denominations of fifty, one hundred
one thousand dollars respectively, i
as the board of supervisors shall
coupons attached for the payment o
not exceeding seven per cent. per
principal and interest shall be mad
period not exceeding ten years, and
by the chairman of the board of su
tersigned by the county clerk of sai
have the county seal attached ther
before a tax shall be levied by said
the purpose of erecting and comple
if said board shall elect to issue
county as provided in the next s
bonds shall be issued, in either case,
be submitted to the qualified elect
at an election to be held at the va
cincts in said county; notice of w
be first directed to be given by a
county board, in a newspaper pu
said county; and said notice shall be
space of six successive weeks in said
said election, and shall specify the ti
ner of holding the said election, and t
levying a tax or of issuing bonds sh
by ballot, which shall read, "for ta
tax," or "for issuing bonds," or "agai
and the said tax shall or shall not
said bonds shall or shall not be iss
with the vote thereon, as herein pro
ity of the electors of said county: *pr*
no tax shall be levied or bonds issue
til said county shall have complied
of section seven, chapter one hund
eight, private and local laws of 1865
possession of said Wood county bri

Denominations of the bonds and rate of interest.

How executed.

Questions to be submitted to vote.

Form of ballot.

Conditions of the levy.

Shall levy tax to pay interest and principal of bonds.

SECTION 7. In case the said c
issue the bonds of said county, as
county board shall annually thereaft
the taxable property of said county s
interest on all the said bonds whi
levying the said tax, shall be outstan
cipal of so many of said bonds a
become payable in such year, which

ie "county bridge tax," and shall be paid in money r in the bonds and coupons then due and payable.

SECTION 8. The county clerk of said county shall keep a faithful record of the bonds of said county which may be issued under the provisions of this act, which record shall contain a statement of the number of bonds issued, to whom issued, the amount of each respectively, when they will mature, and the rate of interest thereof, which record shall be open to the inspection of the public at any reasonable hour. County clerk to keep record of bonds.

SECTION 9. The said county board of supervisors are hereby authorized to levy such a tax annually as may be necessary therefor, upon the taxable property in said county, for the purpose of maintaining and keeping in repair the said bridge, after the same shall have been erected. May levy tax for repairs.

SECTION 10. This act shall be construed favorably in all courts and places to effect the purposes intended to be accomplished, and shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 299.

[*Published March 27, 1873.*]

AN ACT to amend chapter fifty-six, general laws, 1870, entitled an act to provide for the incorporation and government of fire and inland navigation insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirty-three, chapter fifty-six, general laws 1870, is hereby amended by striking out the word, "incorporated," where it occurs in the thirty-fourth line as printed, so as to read as follows: Section 33. It shall be the duty of every company transacting the business of insurance under this act, to include in its annual statement, a statement showing the amount received in the state during the year for which such statement is made, in cash for premiums, in premium notes, in cash notes, and the amount received from other sources; and showing also the amount paid in this state for salaries, commissions to agents, and for losses during the same period. And each such company, Amended—what annual statement shall include.

Per centage to be paid for license.

before receiving a license to transac
current year, shall pay to the state
equal to two per centum of the gro
said company in this state, including
premiums during the year for which
made: *provided*, all companies chart
under the laws of this state may be
from such gross receipts their office
officers' salaries; *and provided furthe*
cation for license is made by any co
ized under the laws of this state,
have transacted business within the
year prior to such application, the su
dollars shall be paid by such compa
the first year, such sum to be comp

May require additional evidence.

the direction of the secretary of sta
to ascertain the truth of such statem
of state may require such additiona

Per centage shall be in lieu of taxes.

shall deem necessary. The amount
eral insurance companies, as provide
in lieu of all state, county and mu
licenses, excepting taxes on real es
insurance company and exempt, as
act: *provided*, that this act shall not
prohibit cities and villages having an
partment, from collecting the two
lowed by law on the receipts of each i
within their respective limits, to be a
port of the fire department of such ci

Amended—per centage to be paid to fire companies.

SECTION 2. Section thirty-four
hereby amended by striking out t
porated," where it occurs in the se
section as printed, so as to read as
tion 34. There shall be paid
of the fire department of any city
state, in which there may be a regul
department, on the first day of Febr
by every person who shall act in s
as agent for or in behalf of any indivi
or associations of individuals, whethe
the laws of this state or by the laws
territory or country, to effect insura
or injury by fire, the sum of two
hundred dollars, and at that rate up
all premiums, which, during the yea
ending on the next preceding first
shall have been received by such ag
received by any other person or pe
shall have been agreed to be paid

fected or agreed to be effected or promised by him as ch agent or otherwise, against loss or injury by fire, any such city or village. No person shall, in any ch city or village, as the agent or otherwise, for any dividual, individuals or association, effect or agree effect any insurance, upon which the duty above entioned is required to be paid, or as agent or otherse, procure such insurance to be effected, until he all have executed and delivered to the said treasurer bond to the fire department of any such city or vilge, in the penal sum of a thousand dollars, with such reties as the said treasurer shall approve, with a conion that he will annually render to the said treasurer, the first day of February in each year, a just and true ount, verified by his oath that the same is just and e, of all premiums which, during the year ending the first day of January preceding such report, shall e been received by him, or any other person for , or agreed to be paid, for any insurance against or injury by fire in any such city or village, ch shall have been effected or promised by him, or eed to be effected or promised by him to be effected, n any individual or individuals, or association, inporated as provided in the first section of this act, that he will annually, on the first day of Feby in each year, pay to the said treasurer, two dollars n every hundred, and at that rate upon the amount such premiums. Every person who shall effect, ee to effect, promise or procure any insurance speci- l in the preceding section of this chapter, without ving executed and delivered the bond required by preceding section shall, for each offense, forfeit one ndred dollars for the use of said fire department; h penalty of one hundred dollars shall be collected the name of the fire department of any such city or lage.

Agents shall give bond for faithful payment of per centage.

Penalty for insuring without executing bond.

SECTION 3. Section thirty-six of this chapter is ended so as to read as follows, viz: "Section 36. case the fire department of any such city or village ll have no such officer as treasurer, the provisions this act, so far as they are applicable to him, ll apply to the treasurer of such city or village or n, in which such village may be located, having no asurer, and the treasurer of such city, village or n shall, under the direction of the proper authors thereof, pay over all money received or recovered him under the provisions of this act, to the fire partment of such city or village."

Amended—If fire companies have no treasurer, provisions to apply to city treasurer.

SECTION 4. All laws or parts of laws conflicting

with any of the provisions of this
pealed.

SECTION 5. This act shall take ef
from and after its passage and publi

Approved March 19, 1873.

CHAPTER 300.

[*Publis*

AN ACT to amend section one, chapter o
four, general laws of 1872, entitled an
one of chapter seventy-five, general lav
act to amend section sixty-eight, chapt
statutes, entitled " the state superintend
section to said chapter seventy-five of th

The people of the state of Wisconsin,
and assembly, do enact as follows:

Amended—mistakes in report not to deprive district of school moneys.

SECTION 1. Section one of cha
and sixty-four of the general laws
amended by adding thereto the follo
in case satisfactory evidence shall
state superintendent that in conseq
of a town clerk or other officer, mo
tioned for and received by any scho
income of the school fund, to whic
legally entitled by reason of havin
months' school during the last pre
the said state superintendent is here
directed to apportion to said district
amount of money to which it shall
provided, that no such apportionme
unless the application and evidence
shall be laid before the state sup
two years from the time when such

Construction of act.

SECTION 2. This act shall take eff
from and after its passage and public
construed to cover mistakes made, a
vious section, in the years 1871 and

Approved March 19, 1873.

CHAPTER 301.

[*Published March* 27, 1873.]

AN ACT to amend section one of chapter one hundred and thirty of the general laws of 1870, entitled "an act to amend section one of chapter one hundred and fifty of the general laws of 1868, entitled 'an act relating to the collection of taxes.'"

The people of the state of Wisconsin, represented in senate assembly, do enact as follows:

Amended—county clerk to return delinquent list to town clerk.

SECTION 1. Section one of chapter one hundred and thirty of the general laws of 1870 is hereby amended so that it shall read as follows: It shall be the duty of the county clerk, on or before the first day of November, to return to the clerks of the several towns, cities and villages in their respective counties, a list of taxes remaining unpaid upon any tract of land in their respective towns, cities or villages for the preceding year, and the town, city or village assessment roll shall be made to show opposite each tract of land therein assessed, and under the head of "taxes unpaid" for previous year, the year for which such tax remains unpaid; and all county, town, city or village treasurers, in giving receipts for taxes paid upon any tract of land, shall, under the head of "taxes unpaid for previous year," enter in such receipt, opposite the said tract, the year for which such unpaid tax is due on the tract of land thus receipted for.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1873.

CHAPTER 80

[*Pa*

AN ACT to provide for the applicatio collector's fees on delinquent taxes in to repeal chapter twenty-five of the p 1872, entitled "an act to provide for th per cent. collector's fees on delinquen Polk."

The people of the state of Wisconsin, and assembly, do enact as follows

Collector's fees to belong to town treasurer.

SECTION 1. The five per centu taxes returned as delinquent in pursuant to chapter twenty-six of the year 1873, and in each year th declared to belong to the town tr turn thereof; and the county treas is hereby authorized and required town treasurers returning such d fees allowed thereon as aforesaid, a treasurer shall have collected th turned by said county treasurer a *provided*, that such town treasure any claim or right to such five pe fees at the end of three years a taxes shall have been returned by and the same have not been coll treasurer.

SECTION 2. All acts or parts o conflict with the provisions of t repealed.

SECTION 3. This act shall take from and after its passage.

Approved March 20, 1873.

CHAPTER 303.

[*Published March* 27, 1873.]

AN ACT to amend chapter fifty-eight of the revised statutes, and the act amendatory thereto, entitled "of weights and measures."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended—the legal weights of grains, etc., fixed.

SECTION 1. Section eleven of chapter fifty-eight of the revised statutes, entitled "of weights and measures," as amended by chapter one hundred and twenty-five of the general laws of 1868, and chapter twelve of the general laws of 1872, is hereby amended so as to read as follows: Section 11. Whenever wheat, rye, Indian corn, oats, barley, clover seed, buckwheat, dried apples, dried peaches, flax seed, timothy seed, potatoes, parsnips, turnips, (common flat), beets, carrots, onions or ruta bagas, shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows: sixty pounds for a bushel of wheat or clover seed; fifty-six pounds for a bushel of rye or Indian corn, shelled, and seventy pounds of Indian corn, unshelled; thirty-two pounds for a bushel of oats; forty-eight pounds for a bushel of barley; fifty pounds for a bushel of buckwheat; twenty-eight pounds for a bushel of dried apples or dried peaches; fifty-six pounds for a bushel of flax seed; forty-six pounds for a bushel of timothy seed; sixty pounds for a bushel of potatoes; forty-four pounds for a bushel of parsnips; forty-two pounds for a bushel of common flat turnips; fifty pounds for a bushel of beets; fifty pounds for a bushel of carrots; fifty pounds for a bushel of onions, and fifty-six pounds for a bushel of ruta bagas.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1873.

CHAPTER 304.

[*Publis*

AN ACT to amend section nineteen of cha forty-five of the private and local laws o to incorporate the village of Stoughton.

The people of the state of Wisconsin, r and assembly, do enact as follows:

Shall pay over minimum amount of licenses.

SECTION 1. The village treasure rated villages in Dane county shall on or before the first days of July an year, pay over to the county treasure the minimum amount for each lice spirituous and malt liquors now requ paid for such license, and which ma the hands of such village treasurers.

SECTION 2. All acts and parts of the provisions of this act are hereby

SECTION 3. This act shall take eff from and after its passage.

Approved March 20, 1873.

CHAPTER 305.

[*Publish*

AN ACT to amend sections one and four dred and sixty-nine of the private and loc tled an act to authorize the several tow Dane to retain a portion of the money pa sale of intoxicating liquors.

The people of the state of Wisconsin, r and assembly, do enact as follows:

Amended—balance of license moneys to be retained in town treasury.

SECTION 1. That section one of dred and sixty-nine of the private a 1868 be amended so as to read as fo The amount of money paid to the t each town in Dane county for licens spirituous, ardent or intoxicating lic tained in the town treasury subject to control of the annual town meeting o

town, as hereinafter provided, except the minimum amount provided by law to be paid for each license to sell intoxicating, ardent, malt or spirituous liquors.

SECTION 2. That section four of said chapter one hundred and sixty-nine be amended so as to read as follows: Section 4. It shall be the duty of the county board of supervisors of Dane county at their annual session in November of each year, to compare the statements furnished them by the several town clerks in accordance with section three of this act, and also the statements furnished by the clerks of the several incorporated villages in said county, with the amounts paid by the several town and village treasurers into the county treasury for licenses, and if it shall appear that the moneys required by law to be paid into the county treasury, have not been so paid, or that any person has sold intoxicating liquors without license in any town or village, the county board of supervisors shall charge such town thus in default, or permitting such sale without license, an amount equal to the minimum required by law for such license so granted, and each person selling intoxicating liquors without license, and the county board of supervisors of said Dane county, if the members of such board or any one of such members have any doubt as to the correctness of the statement made by the clerk of any town or incorporated village, made pursuant to the provisions of section three of this act, shall have power, and such board is hereby authorized to summon such witnesses as such board may deem proper to prove such statement incorrect, and upon being satisfied that the statement of the clerk of any town or incorporated village made pursuant to section three of this act is incorrect, such board shall charge to the town or incorporated village, double the amount provided in this act, for all cases which such clerk shall have failed to repeal [report.]

Amended—county board shall compare statements.

Shall charge towns in default.

SECTION 3. This act shall take effect and be in force from and after the passage and publication thereof, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 20, 1873.

CHAPTER 30

[*Publi*

AN ACT to amend an act entitled an act
titled an act to revise, consolidate and
porate the city of Green Bay, and the
thereto, approved March sixteenth, 187

The people of the state of Wisconsin,
and assembly, do enact as follows:

Amended—city limits and boundaries of Green Bay.

SECTION 1. Section one of cha
is hereby amended so as to read
Section 1. All the district of cou
of Brown and state of Wisconsin,
following limits and boundaries, to
at the mouth of East river, at the
private claim number two on the ea
and running thence south sixty-fou
the north line of said private claim
northeast corner thereof, thence so
grees west, along the east line
middle of East river, thence up an
of said East river to a point there
the north and south line of private
thence north sixty-four degrees wes
of said claim to the east side of We
south eighteen (18) degrees west,
chains and sixty (60) links, to the s
claim number twelve (12), thence n
degrees west, eighty (80) feet, thenc
(18) degrees east, thirty-eight (38) ch
links, to the middle of private clai
thence north sixty-four (64) degree
middle of said claim, to the channel
thence down and along the channel
mouth of East river to the place of b
a city by the name of Green Bay.

Amended—The powers and duties of the city marshal.

SECTION 2. Section seven of cha
act is hereby amended so as to read
Section 7. The marshall shall attend
common council, and shall perform s
be prescribed by the council for the
public peace, and collection of license
He shall possess all the powers of c
and be subject to the same liabilities
duty to execute and return all writs
him directed; and when necessary,

or for the violation of any ordinance of said city or law of the state, may pursue and serve the same in any part of the state. It shall he his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys in said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such person before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. May appoint deputies.

SECTION 3. Section four of an act entitled an act to amend an act to revise, consolidate and amend the act to incorporate the city of Green Bay and the several acts amendatory thereto, approved March twenty-first, 1872, and section one of chapter one of an act to revise, consolidate and amend the act to incorporate the city of Green Bay, and the several acts amendatory thereto, approved March sixteenth, 1870, are hereby repealed. Repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1873.

CHAPTER 307.

AN ACT in relation to toll gates on the Milwaukee and Green Bay plankroad.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. From and after the first day of June next, it shall not be lawful for the Milwaukee and Green Bay Plankroad Company to keep or maintain any toll-gate on the road of said company, or to collect toll thereon at any point within two miles of the northern boundary line of the city of Milwaukee. Shall not keep toll gate or collect tolls.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1873.

CHAPTER 308

[*Pu*

AN ACT to appropriate a sum of mone
for chaplain service in the assembly

The people of the state of Wisconsin,
and assembly, do enact as follows:

Appropriated to chaplains.

SECTION 1. There is hereby a
any money in the general fund n
priated, the sum of one hundred
full for the services of the chaplai
for the year 1873.

To be paid on certificate of chief clerk.

SECTION 2. The chief clerk of
certify to the secretary of state th
eral clergymen who have officiated
upon the secretary of state shall i
equal sums, to the several individu
ated as chaplains.

SECTION 3. This act shall take e
from and after its passage.

Approved March 20, 1873.

JOINT RESOLUTIONS.

NUMBER 1.

JOINT RESOLUTION asking our senators and represantatives in congress to use their influence in securing an appropriation from the general government for an improvement of the harbor at the mouth of the Menomonee river, between the states of Michigan and Wisconsin.

Resolved by the assembly, the senate concurring, That our senators and representatives in congress be requested to use their influence and best efforts to obtain appropriations from the general government for the improvement of the harbor at the mouth of the Menomonee river, between the states of Michigan and Wisconsin, and the harbor at the mouth of the Oconto river, in the county of Oconto, Wisconsin.

Approved February 15, 1873.

NUMBER 2.

JOINT RESOLUTION relative to the appointment of an agent to prosecute the claims of the state of Wisconsin against the United States, for the amount due by the United States on account of lands therein disposed of for Indian reservations, military land warrants and land scrip issued for military services in the wars of the United States, and by Indian or half-breed scrip or agricultural college scrip issued to any other state.

Be it resolved by the assembly, the senate concurring, That the governor be and hereby is authorized, empowered and directed to appoint an agent for and on behalf of this state to prosecute to final decision before the United States court of claims or congress, the claim of this state for five per cent. of the minimum price of the public lands that have been disposed of by the United States in this state by Indian reservations, and by the location of military warrants and land scrip issued for military services in the wars of the United States, and by the location of half-breed or Indian land scrip, and by agricultural college scrip issued to any other than this state, and that such person shall be well informed in the

law, and shall be allowed such a compensation as
upon between the governor and himself, and to be
such a claim, in whole or in part, is collected, and
collected only; *and provided*, that the state shall
liable for any expenses whatever attending the pro
claim.

Approved February 28, 1873.

NUMBER 3.

JOINT RESOLUTION relating to the postal

WHEREAS, The diffusion of knowledge is a matt
necessity to any nation where the intelligenc
constitutes the best safeguard of their liberties;
WHEREAS, Any burdensome tax upon the source
and information is unprofitable, impolitic and
WHEREAS, The private letter and the public news
nized as best meeting and supplying the great
demand for information; and
WHEREAS, The franking privilege has proved
without returning any commensurate benefit;
Resolved by the senate, the assembly concurring,
sentatives be requested, and our senators in congr
to use their best efforts to secure by appropriate l
First. A reduction on letter postage to two ce
exceeding one half ounce weight, for any dist
boundaries of the United States.
Second. The free carriage of newspapers in t
within the respective states where published.
Third. The abolition of the franking privilege
Resolved, That the governor be, and he is he
upon the passage of these resolutions, to transmi
same to each of our senators and representatives i

NUMBER 4.

JOINT RESOLUTION ratifying proposed constitutional amendment prohibiting counties, towns, villages, etc., from becoming indebted for any purpose to an amount exceeding five per cent. of the value of taxable property.

WHEREAS, The legislature of this state at its annual session for the year 1872, proposed and adopted by a vote of the majority of the members elected to each of the two houses, an amendment to the constitution of this state, in the following language:

"*Resolved by the assembly, the senate concurring*, That section three (3) of article eleven (11) of the constitution of this state be amended by adding at the end of said section the following words: No county, city, town, village, school district or other municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to any amount including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness. Any county, city, town, village, school district, or other municipal corporation incurring any indebtedness, as aforesaid, shall before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof, within twenty years from the time of contracting the same."

Resolved by the senate, the assembly concurring, That the foregoing amendment to the constitution be, and the same is hereby agreed to by this legislature.

Approved March 18, 1873.

NUMBER 5.

JOINT RESOLUTION resquesting the governor to inquire into subject of removing the remains of the late Alexander W. Randall to this state.

Resolved by the assembly, the senate concurring, That the people of Wisconsin affectionately cherish the memory of the late Alexander W. Randall, governor of the state during four of the most trying years of its existence; that his patriotism, his energy and fidelity in the public service, his brilliant qualities of intellect and stainless integrity, placed him among the foremost citizens of our state, and made his name a shining one in our history; and that such honors and mementoes as mankind bestow upon their benefactors and heroes are due to him from the citizens of the state.

Resolved by the assembly, the senate concurring, T
sentatives of the people of the state, we approv
those expressions of respect and affection for th
late Louis P. Harvey, governor of the state, whi
from the people of the state and of the whole
occasion of his tragic death while on a distant miss
patriotism to our soldiers in the field, and that ou
ciation of his public services and our high esti
and unblemished character have been rather
diminished by the time that has since elapsed, a
that have since occurred.

Resolved by the assembly, the senate concurring,
lency, the governor, be respectfully requested to
subject of the removal of the remains of the
Randall to this state, and to procure estimates,
tion, plans for a monument or monuments to b
burial-place of such ex-governors of the state a
near the capitol, and that he be respectfully requ
the next legislature the result of his inquiries.

Approved March 19, 1873.

NUMBER 6.

JOINT RESOLUTION requesting the congress of the
prove the navigation of the St. Croix lake an

WHEREAS, The St. Croix lake and river form a
gable stream from St. Croix falls, in the state
Prescott, in the said state of Wisconsin, where
lake empties into the Mississippi. That said S
river form the boundary line between the sta
and Wisconsin, and the unobstructed navigat
and river is of great importance to the inhab
said states, and absolutely necessary to the
lumbering interests of the several counties i
dering on said lake and river, and that the rail
with the navigation of said lake and river a
state of Wisconsin, and at the city of Stillwate
Minnesota, render the free navigation of said l
great importance to the general commercial
people of both states.

WHEREAS, There are obstructions to the free na
lake and river, consisting of a sand-bar in sa
village of Afton, in said state of Minnesota, an
said lake known as Willow river bar, near th

son in the state of Wisconsin, and that the remaining obstruction to the free navigation of said river consists of snags in the bend and near the shores of said river between the city of Stillwater, in said state of Minnesota, and the town of St. Croix Falls, in said state of Wisconsin.

WHEREAS, Said obstructions to the free navigation of said river and lake can be removed at a small cost to the general government by the use of the dredge boat used in the removal of sandbars in the Mississippi river, near the mouth of said lake St. Croix, and by the use of the snag boat employed for the purpose of removing snags in the upper Mississippi river. Now, therefore:

Be it resolved by the legislature of the state of Minnesota [*Wisconsin*], That our senators and representatives in congress be requested to use their efforts in behalf of legislation to provide for the improvement of the navigation of said lake and said river.

Approved March 19, 1873.

MEMORIALS.

NUMBER 1.

MEMORIAL to congress for a grant of lands to aid in the construction of a railroad from Green Bay to the navigable waters of the St. Croix on the western boundary of the state.

Your memorialists, the legislature of Wiscoasin, respectfully represent:

That the construction of a railroad, nearly east and west across the state, from the navigable waters of Green Bay, in the county of Oconto, through the counties of Shawano, Marathon, Clark and Chippewa, to the navigable waters of the St. Croix, would open to settlement an important, though largely unsettled portion of our state, and promote the commercial and general interest of the new states to the west by giving a lake terminus much nearer to Buffalo, and other points on lake Erie, than any other east and west road in said state.

Your memorialists respectfully ask for the passage of the bill now pending in congress, or a similar bill, granting to the state of Wisconsin a portion of the public lands on said proposed route, to aid in the construction of such railroad.

Approved March 12, 1873.

NUMBER 2.

MEMORIAL to congress for an increase of mail service from Chippewa Falls to Vanville, in Chippewa county, Wisconsin.

To the honorable the senate and house of representatives:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the interests and convenience of the inhabitants of Chippewa county require an increase of service on route number 13,316, reaching from the city of Chippewa Falls to Vanville, in

Chippewa County, to a daily mail, etc., and
would respectfully ask the same to be done
possible.

Approved March 12, 1873.

NUMBER 3.

MEMORIAL to congress for the establishment of a
from Eaton post office to Kiel, in Manitowoc cou

To the honorable the senate and house of repr
gress assembled.

The memorial of the legislature of the state of W
represents:

That the interests and convenience of the
southwestern portion of the county of Manito
tablishment of a tri-weekly mail route from E
St. Nazian's, Zorn's Corners, Rockville, and the
county so called, a distance of thirteen miles;
necessity, and has been for a long time, to the
southwestern portion of Manitowoc county, as
give us a tri-weekly communication with the
the county seat of said county, and also with t
route.

And your memorialists would respectfully a
established at as early a period as possible.

Approved March 12, 1873.

NUMBER 4.

MEMORIAL to congress on the subject of the Niagar
cheap transportation by the way of the great lakes
Atlantic Ocean.

To the honorable senate and house of repr
United States in congress assemb

Your memorialists, the legislature of Wisconsin,

That previous legislatures of this state
memorialized congress on the subject of ch
setting forth the very great importance, indeed

sity, to the continued development and consequent prosperity of all the great agricultural states lying west of lake Erie, and especially this state, that greater facilities and cheaper rates of transit must be opened up to the Atlantic seaboard than we now possess. Another system for transportation must be secured of large capacity, on which the young and enterprising business men of the country, of limited means, can embark in the carrying trade between the two sections with a fair prospect, nay certainty, of success. That result can only be secured by opening up that water route around the Falls of Niagara down into lake Ontario, thence by canal, railroads, and the St. Lawrence river to the Alantic ocean. Therefore,

Be it resolved, That congress be requested to adopt such legislation at its present session as shall secure the speedy construction of the proposed ship canal at Niagara Falls.

Resolved, That our senators and representatives in congress use their best efforts to secure such legislation.

Resolved, That a duly authenticated copy of this memorial and resolutions be transmitted to the president of the United States, to the president of the senate and speaker of the house, with request that they lay them before their respective houses, and to each of our senators and representatives in congress.

Approved March 12, 1873.

NUMBER 5.

MEMORIAL to the postmaster general for an increase of mail service on the mail route between Neillsville and Loyal, in the county of Clark.

The memorial of the legislature of the state of Wisconsin respectfully represents:

That service of mail once a week, each way, on the mail route between Neillsville and Loyal, in the county of Clark, is inadequate to the wants of that thriving section of country now very rapidly filling up with new settlers. It is the only established mail route north of Neillsville, in Clark county. Your memorialists would respectfully request that the service on that route be increased so as to give the people the benefit of a tri-weekly mail service each way. The governor is respectfully requested to transmit a certified copy of this memorial without delay to the honorable the postmaster general.

Approved March 12, 1873.

NUMBER 6.

MEMORIAL to the congress of the United States for a
the state of Wisconsin.

The memorial of the legislature of Wisconsin re

That there is still a large amount of governm
northern portion of the state of Wisconsin.

That there are within the state, parts of its te
scarcely been traversed by white men other tha
surveyor.

We respectfully ask of the congress of the
other proper authority, that there be ordered a
survey of this state, to the ones lately made for
sas and Nebraska, and some of the western terri

The governor is requested to transmit a copy
to each of our senators and represenatives in co
quest that if any congressional or departmental
to secure a survey, that they commend our req
ble attention of the proper authority.

Approved March 13, 1873.

NUMBER 7.

MEMORIAL asking congress for a revision of the l
merce and navigation upon the great weste

To the honorable the senate and the house of
the United States, in congress assembled:

This memorial of the legislature of the state of Wi
represents:

That in the opinion of this legislature, the act
in force, regulating the navigation and commer
western lakes, are unnecessarily embarrassing
such navigation and commerce, and that, there
be revised with a view of removing all restricti
on our lake navigation and commerce, which ar
the protection of the revenue.

This legislature is aware that the proximity of
the comparatively unprotected condition of our
ticularly the present high tariff, makes it a matte

laws should be made to protect the revenue, and that for such purpose commerce and navigation on our waters bordering on foreign territory be to some extent restricted; but this legislature, at the same time, is of the opinion, that the sole object of these laws ought to be to protect the revenue and to restrict commerce and navigation only so far as it is absolutely necessary and essential for such protection of the revenue.

This legislature begs to call attention to the provisions of section eighteen of the act of congress, entitled "an act for the enrollment and licensing of ships or vessels and for other purposes," approved February 18, 1793, by virtue of which ships and vessels duly enrolled and licensed, can carry on the coasting trade between a district in one state and a district in the same or an adjoining state on the sea coast, without being required to report at any custom house, and to deliver a manifest of their cargos and to obtain a clearance previous to departure, or on arrival within such district, to make a report thereof and obtain a permit to unlade; and this legislature suggests that these or similar privileges be extended to all ships or vessels enrolled and licensed to carry on the coasting trade on the northern, northeastern and northwestern frontiers of the United States, and trading between a port or place in one state, and a port or place in the same or an adjoining state, and not touching or landing at any foreign port or place, and that to this effect all acts or parts of acts conflicting with these privileges be repealed.

Approved March 19, 1873.

NUMBER 8.

MEMORAL to congress for an increase of mail service from Pewaukee to the village of Sussex, in Waukesha county.

The memorial of the legislature of the state of Wisconsin respectfully represents:

That the interests of a large number of the inhabitants and business men of the town of Lisbon, in which the village of Sussex is situated, require the establishment of a daily mail route from the Pewaukee railroad station to the village of Sussex in the county of Waukesha. Your memorialists would therefore respectfully ask, that the increase of mail service on the aforesaid route be granted, and that said increase be ordered as soon as practicable.

Approved March 19, 1873.

STATE OF WISCONSIN—*Secretary's Office*—ss.

The secretary of state, of the state of Wisc
certify, that the laws, joint resolutions and mer
this book have been compared with the origina
office, and that they appear to be correctly pri

In testimony whereof, I have hereunto set m
the great seal of the state, at the c
[L. S.] this seventh day of May, A. D. 1873.

LL. B

STATEMENT

SHOWING THE

TIMES AND PLACES FOR HOLDING CIRCUIT COURTS

IN THE

SEVERAL COUNTIES OF THIS STATE.

Prepared by the Secretary of State in accordance with Chap. 145, *G. L. of* 1869.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
	FIRST CIRCUIT.		
Walworth...	3d Monday in September... 3d Monday in February.... 2d Monday in June.....	Elkhorn.....	Ch. 18, G. L. 1869.
Racine.....	2d Monday in October..... 2d Monday in March..... 3d Monday in June.....	Racine.....	Ch. 18, G. L. 1869.
Kenosha...	Wednesday after 1st Monday in November..... Wednesday after 1st Monday in April..... 2d Monday in August.....	Kenosha.....	Ch. 18, G. L. 1869.
	SECOND CIRCUIT.*		
Milwaukee.	2d Monday in January..... 1st Monday in May..... 4th Monday in June..... 1st Monday in October.....	Milwaukee...	Ch. 22, G. L. 1871.
Waukesha..	3d Monday in March..... 1st Monday in December... 2d Monday in June, [Law Term].....	Waukesha....	Ch. 248, P. & L. 1866.

* Section 1 of chapter 106, general laws of 1872, provides that the general terms in each of the counties in this circuit be special terms for the whole circuit.

COUNTIES.	TERMS.	WHERE
	THIRD CIRCUIT.	
Marquette ..	Tuesday next after first Monday in January ..... Tuesday next after last Monday in May	Montello
Green Lake.	2d Monday in January..... 1st Monday in June.....	Dartford
Dodge	2d Monday in October ..... 4th Monday in February ...	Juneau.
Washington.	3d Monday in March..... 2d Monday in November...	West Be
Ozaukee ...	Tuesday after 4th Monday of January ..... Tuesday next after 3d Monday in June	Port Was
Winnebago.	Tuesday next after 2d Monday of April..... Tuesday next after 4th Monday of September ..... Tuesday next after 1st Monday in December.....	Oshkosh
	FOURTH CIRCUIT.	
Sheboygan .	3d Monday in February .... 4th Monday in May..... 3d Monday in November...	Sheboyg
Calumet ...	2d Monday in June ..... 2d Monday in November...	Chilton.
Manitowoc .	3d Tuesday in June..... 2d Tuesday in December ...	Manitow
Kewaunee .	1st Monday of February.... 2d Monday of July.....	Kewanne
Fond du Lac	1st Monday of January..... 4th Monday in April..... 4th Monday in September... Special term, 1st Monday in July.	Fond du
	FIFTH CIRCUIT.	
Grant	1st Tuesday in March ..... 2d Tuesday in September...	Lancaste
Iowa	4th Tuesday in March..... 1st Tuesday in October.....	Dodgevil

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
	FIFTH CIRCUIT—CON.		
La Fayette..	4th Tuesday in June ..... 1st Tuesday in December...	Darlington ..	Ch. 72, G. L. 1872.
Richland ...	2d Tuesday in April ..... 4th Tuesday in October	Richl'dCent'r	Ch. 72, G. L. 1872.
Crawford...	4th Tuesday in May..... 2d Tuesday in November...	Pra. du Chien	Ch. 72, G. L. 1872.
	SIXTH CIRCUIT.		
Clark	4th Tuesday in February... 1st Tuesday in September ..	Neillsville...	Ch. 1, G. L. 1873.
Jackson....	2d Tuesday in March ..... 2d Tuesday in September...	Blk Riv.Falls	Ch. 9, G. L. 1871.
Monroe	4th Tuesday in March..... 4th Tuesday in September..	Sparta.....	Ch. 9, G. L. 1871.
La Crosse ..	2d Tuesday in May ..... 2d Tuesday in November...	La Crosse ...	Ch. 9, G. L. 1871.
Vernon.....	2d Tuesday in June..... 1st Tuesday after the 2d Monday in December	Viroqua.....	Ch. 9, G. L. 1871.
Buffalo.....	1st Tuesday in May..... 4th Tuesday in October	Alma	Ch. 9, G. L. 1871.
Trempe'leau	3d Tuesday in April ..... 2d Tuesday in October	Galesville ...	Ch. 9, G. L. 1871.
	SEVENTH CIRCUIT.		
Marathon ..	2d Monday in April..... 3d Monday in September...	Wausau	Ch.187,G.L. 1872,and Ch 127, L. 1873.
Portage	4th Monday in January .... 2d Monday in July.....	Stevens Point	Ch. 133, G. L. 1871.
Waushara ..	4th Monday in March..... 2d Monday in September...	Wautoma.....	Ch. 41, G. L. 1870.
Waupaca ...	4th Monday in May..... .. 2d Monday in December ...	Waupaca	Ch. 133, G. L. 1871.
Adams	3d Monday in March..... 3d Monday in October . ..	Friendship ..	Ch. 143, G. L. 1870.
Juneau*	1st Monday in May..... 2d Monday in October	Mauston.....	Ch. 133, G. L. 1871.

*Ch. 30, G. L. 1871, provides that the general terms of the circuit court for the county of Juneau shall be held on the 2d Monday of Oct., and the second Monday in March, in each year.

COUNTIES.	TERMS.	WHERE H
	SEVENTH CIRCUIT—con.	
Wood	2d Monday in February ... 2d Monday in August	Grand Rap
	EIGHTH CIRCUIT.	
Chippewa ..	2d Monday in June ..... 2d Monday in December ..	Chippewa
Dunn and Barron*....	3d Monday in April ..... 3d Monday in October	Menomon
Eau Claire..	4th Monday in March..... 4th Monday in September ..	Eau Claire
Pepin	1st Monday in March..... 1st Monday in September ..	Durand ..
Pierce.....	4th Monday in May..... 4th Monday in November ..	Ellsworth
St. Croix....	2d Monday in May..... 2d Monday in November ..	Hudson .
	NINTH CIRCUIT.	
Columbia ..	3d Tuesday in May ..... 1st Tuesday in December ..	Portage ..
Dane... ...	Wednesday after 1st Monday in April ..... Wednesday after 1st Monday in November ..... Special term, 2d Tuesday in July	Madison.
Sauk	4th Monday in September .. 3d Monday in March	Baraboo..
	TENTH CIRCUIT.†	
Outagamie .	1st Monday in June ..... 2d Monday in November ..	Appleton.
Oconto	4th Monday in April..... 2d Monday in October	Oconto...
Shawano ...	1st Tuesday after the 4th Monday of June ..... 1st Tuesday after the 2d Monday of January	Shawano.

* From and after the first Monday of January, 1874, the county of Be separately for judicial purposes, and the terms of the circuit court are days of March and September—Chapter 84, laws of 1873.

† Every regular term in the counties of Brown, Outagamie and Oc term for the whole circuit.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
	TENTH CIRCUIT—CON.		
Door	1st Tuesday after 3d Monday of May 1st Tuesday after 4th Monday of October	Sturgeon Bay	Ch. 9, 1872
Brown	4th Monday of March 1st Monday of September 2d Monday of December Special term for whole circuit, 4th Monday of Jan.	Green Bay	Ch. 9, G. L. 1872.
	ELEVENTH CIRCUIT.		
Bayfield and Ashland*	1st Tuesday after 2d Monday of July 2d Monday of January	Bayfield	Ch. 3, G. L. 1871.
Douglas	3d Monday of June 2d Monday of December	Superior City	Ch. 3, G. L. 1871.
Polk	2d Monday in March 4th Monday in September	Osceola Mills	Ch. 3, G. L. 1871.
Burnett	1st Monday of March 3d Monday of September	Grantsburg	Ch. 6, G. L. 1872.
	TWELFTH CIRCUIT.		
Rock	4th Monday of April 2d Monday of August Wednesday next succeeding 1st Monday in Nov	Janesville	Ch. 4, G. L. 1871.
Green	1st Monday of March 2d Monday in July 1st Monday of October	Monroe	Ch. 4, G. L. 1871.
Jefferson	1st Monday of February 4th Tuesday of June 1st Monday of September	Jefferson	Ch. 4, G. L. 1871.

* On and after the first day of August, 1873, Ashland county is to be organized separately and the terms of the circuit court are fixed on the first Tuesday after the first Monday of January, and the third Monday of July—Chap. 166, laws of 1873.

INDEX.

A.

Page.

ABSENTEES, from schools, sent to truant schools 599

ABSTRACTS, of tax sales, in Shawano county, amendment 31
in Sheboygan county 282

ACCOUNTS, of clerk of supreme court, to be audited 156

ACTIONS, to quiet title to real estate, amendment 21
criminal, how fees of witnesses paid 45
may be maintained for "waste" 100
illegal when copy made on tissue paper 101
how brought by husband and wife to recover damages 128
civil, act relating to place of trial repealed 124
civil, relating to service of summons 182
who defendants in lien suits 183
relating to, in favor of sub-contractors 214
civil, relating to practice in 424
for recovery of real property, amendment 578
for wrongful cutting of timber 588
in foreclosure, in Vernon county 594

ADAMS COUNTY, time for terms of circuit court fixed 160

ADJUTANT GENERAL, his duties in organizing militia 453

ADMINISTRATORS, sale of real estate by 32
payment of debts by 144
may execute deed of property 591

AGENTS, disposal of property by 107

AGRICULTURAL SOCIETY, Jackson county, tax levied for 38
Wisconsin State, appropriation to 118

AHNEPEE, act authorizing bonds repealed 461

ALLEYS, villages may lay out 601

ALMA, publication of lots legalized 51

AMENDMENT TO CONSTITUTION, joint resolution ratifying 663

AMENDMENTS — REVISED STATUTES.

Chap.	*Sec.*	*Title.*	
6	38	distribution of public documents	123
7	16	relating to notices of election	49
9	7	relating to contested seats in legislature	427
13	51	of counties and county officers	449
28	121	duties of school land commissioners	178
35	16	relating to license money	581
58	11	relating to weights and measures	655
94	35	sale of lands by executors	32

Chap.	Sec.	Title.
101	1, 5, 7	payment of debts of deceased persons
133	1	of costs and fees
138	27	service of summons in civil action
143	9	in relation to "waste"
146	—	actions concerning real estate
153	13	of mechanics' lien

AMENDMENTS—GENERAL LAWS.

Yr.	Chap.	Sec.	Title.
1858	67	..	relating to cemetery associations
1859	22	38	sale of lands for unpaid taxes
1859	112	3	relating to justices' courts
1860	344	..	relating to catching fish in nets
1861	176	..	incorporation of fire companies
1861	206	2	prevent spread of noxious weeds
1863	154	12	relating to lien upon logs
1863	231	1	publication of legal decisions
1863	88	1	payment of debts by executors
1863	155	16	relating to common schools
1863	157	48	relating to common schools
1864	365	..	relating to Sturgeon Bay ship canal
1864	419	..	prohibition of cemeteries in villages
1865	537	..	relating to swamp lands
1866	20	1	relating to Legislative Manual
1867	85	1	elections and canvass of votes
1867	137	1	relating to county poor superintendent
1867	167	2	relating to permanent landmarks
1868	130	..	relating to assessment of property
1868	141	1	taxation of telegraph companies
1869	2	1	terms of circuit court in sixth circuit
1869	115	..	courts in Milwaukee county
1869	152	66	relating to highways and bridges
1870	56	..	insurance companies, fire and inland navig
1870	66	1, 8	relating to Industrial School for Boys
1870	79	1	admission of law graduates to practice
1870	90	1	relating to highways and bridges
1870	121	..	relating to real property by descent
1870	126	1	relating to fire departments
1870	130	1	relating to collection of taxes
1871	64	..	relating to construction of drains
1871	95	1	relating to slaughter-houses in villages
1871	130	1	relating to collection of taxes
1872	48	1	statement of moneys to town treasurers
1872	99	1	relating to attorneys' fees
1872	103	..	relating to town insurance companies
1872	119	10	organization of railroad companies
1872	127	10	relating to sale of intoxicating liquors
1872	141	..	actions for recovery of real estate
1872	144	2	organization of manufacturing companies
1872	146	14	relating to school corporations
1872	156	..	taking of land for public institutions
1872	164	1	relating to state superintendent
1872	182	..	municipal aid to railroads
1872	188	..	incorporation of villages
1873	87	4	relating to ferry at Alma

AMENDMENTS—LOCAL LAWS.

1852	56	..	city charter of Milwaukee
1853	376	1	relating to dam on Pecatonica
1858	72	..	city charter of Ripon
1858	267	..	city charter of Stevens Point
1860	449	..	city charter of Oconto
1861	302	..	municipal court of Ripon

Year.	chap.	sec.	Title.	
1866	540	..	charter of Green Bay and Lake Pepin Railway	469
1867	126	3, 4	charter Milwaukee and Brookfield Turnpike	422
1867	214	3	city charter of Racine	405
1867	328	..	relating to Eagle River Dam Company	486
1867	341	..	swamp lands in certain counties	450
1868	59	..	city charter Fond du Lac	445
1868	169	..	relating to licenses in Dane county	656
1868	245	19	charter village of Stoughton; license moneys	656
1868	500	..	city charter of Madison	284
1868	508	7	charter of Wagon Landing Cemetery Association	587
1869	58	3	city charter La Crosse	476
1869	231	1	state road from Green Bay to Depere	482
1869	247	..	city charter of Grand Rapids	268
1869	292	1	protection of fish in Waukesha county	51
1869	339	5	Odd Fellows' Life Insurance Company	87
1870	24	10	charter Milwaukee and Northern Railway	610
1870	54	..	bridge across Black river	125
1870	275	..	city charter of Manitowoc	471
1870	328	1	city charter of Berlin	91
1870	486	1	city charter of Green Bay	658
1871	45	..	charter Wausau Boom Company	581
1871	76	..	aid of Milwaukee and Northern Railway	479
1871	105	2	tax sales in Shawano county	31
1871	147	1	protection of fish in Pike lake	596
1871	191	26	village charter of Black River Falls	476
1871	224	..	city charter of Beaver Dam	42
1871	377	..	relating to ferry across Lake Pepin	418
1872	16	33	city charter of Eau Claire	8, 108
1872	62	..	territory detached from certain towns	52
1872	84	1	drainage fund in town of Lebanon	479
1872	136	1	state road in Ashland county	53
1872	140	4	relating to license moneys in Janesville	39
1872	172	..	report of State Horticultural Society	29

ANNUAL STATEMENTS, county treasurers to make to town clerks .. 87

APPEALS, from justices' judgments, relating to 26
relating to custody of property 151

APPLETON, authorized to issue city bonds 108
settlement of bonded indebtedness 563

APPLE RIVER LOG DRIVING COMPANY, act repealed 585

APPROPRIATIONS, to Hospital for Insane at Madison 11
to Northern Hospital for Insane 57, 12
for Taylor's compilation 13
to the Industrial School for Boys 14
to Institute for the Education of the Blind 22
to visiting committee of state 26
to superintendent of public property 27
to State Horticultural Society 29
to State Prison 40
to Institute for Deaf and Dumb 104
to La Fayette Kellogg 105
to State Agricultural Society 118
for Legislative Manual of 1873 119
to William W. Tredway 142
to Soldiers' Orphans' Home 150
to Waggoner, Force and Young 153
to Thomas Kopff 156
for improvement of state capitol 346
to Nelson Boutin 449
for propagation of fish 462
for Websters' Dictionaries 466

BRIDGES, relating to repairs in Eau Claire 8
relating to building of, in Manitowoc 9
Albert Neff authorized to build, on Wolf river 24
act relating to across Black river amended 125
Boscobel authorized across Wisconsin river 126
Red Wing and Menominee Railroad Company may build 189
county, provided for in St. Croix county 278
islands appropriated for, in Marquette county 425
relating to construction of by railroad companies 595
across the Wisconsin at Grand Rapids 646
BRIDGE COMPANY, La Crosse and Minnesota to build railway bridge 643
BRITISH PATENT REPORTS, to provide for binding 268
BROOK TROUT, time for catching in certain counties 186
BROWN COUNTY, relating to issue of railroad bonds 469
relating to drainage 579
relating to county highways, act repealed 580
BUFFALO COUNTY, money refunded to county judge 401
BUGBEE, A. N., authorized to build dam 570
BURIAL GROUNDS, prohibited in cities and villages 50
BURKE, expenditure of drainage fund in 456
BURNETT COUNTY, election notice legalized 91
preservation of cranberries in 286

C.

CALUMET COUNTY, relating to swamp lands in 450
CANCELLATION, of county orders provided for 106
CANVASS OF VOTES, how statements to be made 136
CAPITOL, STATE, improvement of provided for 346
CARELESS USE OF FIRE ARMS, prevented 463
CEMETERIES, prohibited in cities and villages 50
CEMETERY ASSOCIATIONS, Chippewa Falls, election of officers ... 148
Evansville, property transferred 150
Wagon Landing, charter amended 587
act for organization of amended 596
CERTIFICATES, for witness fees, how paid 45
of officers, to be evidence of service 148
of witnesses before investigating committee 513
CERTIFIED STATEMENTS, to be made to town treasurers 86
CHAPLAINS, of senate and assembly, appropriation to 590, 660
CHARITABLE AND CORRECTIONAL INSTITUTIONS, taking of lands for 54
CHASE, A. M., authorized to build dam 578
CHEESE MANUFACTORIES, capital fixed 18
CHEEVER, D. G., appropriation to 26
CHIEF JUSTICE of supreme court, salary increased 642
CHILDREN, of county poor, education of 278
truant, to be sent to truant schools 599

CHIPPEWA COUNTY, state road laid through.....
CHIPPEWA FALLS CEMETERY ASSOCIATION.
CHIPPEWA FALLS, city charter revised.....
CIRCUIT COURT, change of terms in sixth circuit..
appointment of reporters in third circuit .....
terms of, in Barron county fixed.....
terms of, in Ashland county fixed .....
terms of, in Adams and Marathon counties fixed..
terms of, in Winnebago county fixed .....
judge in Milwaukee county to appoint crier.....
certain parties in Vernon county exempt from acti
CIRCUIT JUDGES, salaries of increased .....
CITIES, TOWNS AND VILLAGES, how united....
may organize truant schools.....
CITIZENSHIP, Thomas McAllister restored to .....
CIVIL ACTIONS, act relating to place of trial repeal
relating to practice in.....
CLARK COUNTY, change of terms of circuit court.
CLASSIFICATION, of laws, how changed .....
CLERKS, town, village and city to receive statements
of circuit court, to make statistics of crime .....
of supreme court, accounts of to be audited.....
COARD, FRANK, authorized to establish ferry.....
COLLECTION, of taxes, act relating to amended ....
of debts in favor of sub-contractors.....
of taxes, how may be enforced.....
of taxes, act relating to amended .....
COLLECTOR'S FEES, relating to in Polk county....
COLLEGES, transfer of stock of .....
COLUMBIA COUNTY, levee provided for.....
price of swamp lands reduced .....
COMMISSIONERS OF SCHOOL AND UNIVERSI
fund loaned to Madison .....
duties of defined.....
COMMON SCHOOLS, act relating to amended.....
CONVICTIONS, number of to be reported.....
CONTRACTS, copies to be filed with town clerk.....
CONTRACTORS, collection of debts against.....
how to enforce collection of wages on railroads...
CONTESTED SEATS, law relating to amended.....
COPIES, on tissue paper, service illegal.....
CORPORATIONS, act for organizing amended.....
other than manufacturing, etc., act amended.....
COSTS AND FEES, act relating to amended.....
COUNTY TREASURERS, in certain counties, to sett
urers.....
to make statement of moneys paid.....
duties in relation to swamp lands.....
relating to publication of delinquent lands.....
COUNTY ORDERS, cancellation of provided for.....
COUNTY POOR, education of children of.....
election of superintendents of.....

COUNTY CLERK, duties of in Polk county..... 288
COUNTY JUDGES, money refunded in Buffalo county..... 402
fees in Monroe county fixed 469
COUNTY BOARD OF SUPERVISORS, jurisdiction over highways.. 477
act authorizing road tax repealed..... 593
COUNTY COURT, relating to in Milwaukee county..... 607
COUNTY HIGHWAYS, in Brown county, act repealed..... 580
COUNTIES and COUNTY OFFICERS, amendment relating to..... 449
COURTS, JUSTICES', act amended..... 151
CRANBERRIES, protection of in Burnett county..... 286
CRANBERRY MARSHES, protection of from fire..... 645
CRIER, appointed for Milwaukee courts..... 572
CRIME, statistics of, how made..... 142
CRIMINAL ACTIONS, fees of witnesses, how paid 45

D.

DAMAGES, assessment of in laying out highways 36
how recovered by husband and wife 123
for wrongful cutting of timber..... 588
DAM, authorized across Bean brook..... 178
across Osceola creek..... 180
across Little Wolf river 282
across the Pecatonica 421
across a branch of Wood river..... 570
across Totogatic river..... 578
across Moose river 598
DAM COMPANY, Eagle River, charter amended 486
DANE COUNTY, relief of assessors of 15
village treasurers to pay over license moneys 656
relating to payment of license moneys 656
DEAF AND DUMB, Institute, appropriation to 104
DEBTS AND LEGACIES, of deceased persons, relating to..... 29
DEBTS, payment of by executors 144
collection of against contractors 214
DECEASED PERSONS, relating to debts and legacies of..... 29, 97
how estate of conveyed..... 591
DELINQUENT TAX LIST, relating to publication of..... 560
relating to collection of in Polk county..... 654
relating to clerks return of..... 653
how treasurers to publish..... 561
DENNISTON, C. Y., tax certificates, St. Croix county 575
DEPERE, relating to state road in..... 482
DESERTERS, act relating to challenge of repealed..... 443
DICTIONARIES, WEBSTER'S, purchase of provided for..... 466
DISPOSAL OF PROPERTY, improper, by agents, prevented..... 107
DISTRICT BOARD, of schools, powers defined..... 607

DOCUMENTS, distribution, general provision for.....
act for distribution of amended.....
DOGS, taxation of in Dane county.....
act for poisoning in Milwaukee repealed.....
DOOR COUNTY, settlement of county treasurer.....
DOUGLAS COUNTY, time for catching brook trout l
to compromise railroad differences.....
DRAINAGE FUND, expenditure of in Eagle and Ott
expenditure of in Burke.....
relating to in the town of Lebanon.....
relating to in Brown county.....
DRAINS, town supervisors may repair .....
DRESSER, FREDRICK A.. to build dam in Burnett c
Samuel B., to build dam in Polk county.....
DRY DOCK, city of Sheboygan to aid construction...
DUNN COUNTY, action board of supervisors legaliz

E.

EAGLE, town of, expenditure of drainage fund.....
EAGLE RAPIDS Flooding Dam and Boom Company,
EATON, territory detached and indebtedness paid ...
EAU CLAIRE, city charter amended.....
county, state road laid out.....
EDUCATIONAL INSTITUTIONS, taking of lands f
how stock transferred.....
EDUCATION of children of county poor.....
ELECTIONS, act relating to amended.....
general and special, how notice given .....
manner of conducting, act repealed.....
of superintendents of county poor.....
ELKHORN, amendment of charter repealed .....
EMBARRASS, town of, state road laid out.....
EMBARRASS RIVER IMPROVEMENT COMPANY
ter repealed.....
ENGLISH LANGUAGE, tax notice to be published i
ESTATES, of deceased persons, settlement of debts...
ETTRICK, town of, action of supervisors of legalized
EVANSVILLE CEMETERY ASSOCIATION, proper
EVIDENCE, patents of land to be *prima facie* ... ...
of service, in certain cases provided for.....
EXECUTORS, sale of lands by..... .....
payment of debts by, act amended.....
foreign, may execute deed of assignment.....
EXEMPT PROPERTY, assessors to report.....

F.

FEES, of officers provided for in certain cases..... 148
of clerk of supreme court to be audited..... 156
FERRIES, right of across Mississippi, at Alma..... 109
across Mississippi, at Victory..... 111
across Mississippi, at Glen Haven..... 176
across Lake St. Croix, at Hudson..... 185, 403
across Lake Pepin, at Stockholm..... 418
across Mississippi, near Red Wing..... 457
act relating to, at Alma amended..... 587
FINDINGS, copies to be filed..... 424
FIRE DEPARTMENT, act defining term amended..... 286
FIRE COMPANIES, act to incorporate amended..... 474
FIRE AND INLAND NAVIGATION INSURANCE COMPANIES, act amended..... 649
FIRE, protection of cranberry marshes from..... 643
FIREARMS, careless use of, prevented..... 468
FISH, act relating to catching in nets amended..... 36
protection of in Waukesha county..... 51
act for protection of in Fox lake repealed..... 88
act relating to, in Root river repealed..... 122
artificial propogation of provided for..... 462
protection of in Pike lake, act amended..... 596
FLINTVILLE, acts of town officers legalized..... 590
FOND DU LAC, act relating to market and city hall repealed..... 23
place of examination of teachers fixed..... 105
city charter amended..... 445
savings association, name changed..... 45
FORCE, W. J., appropriation to..... 153
FORECLOSURE OF MORTGAGES, relating to..... 56
action for waste upon sale..... 100
FOREIGN LANGUAGES, when tax notice to be published in..... 449
FORT HOWARD, city incorporated..... 288
FOUNTAIN CITY, acts of officers legalized..... 11
FOX LAKE, act for protection of fish repealed..... 88
FOX AND WISCONSIN IMPROVEMENT COMPANY, settlement with M. L. Martin..... 562
relating to invalid tax certificates..... 52
FRAUDS, to prevent in sale of personal property..... 146

G.

GALE, town of, action of supervisors legalized..... 13
GAME, preservation of, in Sauk county..... 119
GARNISHEE PROCEEDINGS, fees of officers..... 149
GEOLOGICAL SURVEY, provided for..... 640
GILBERG, ANDREW, to establish ferry..... 418

GILLETT, town of, acts of assessor legalized.....
GLEN HAVEN, right of ferry granted.....
GRADUATES, of law department to be admitted to practi
GRAINS, legal weight of fixed.....
GRAND CHUTE, settlement of bonded indebtedness....
GRAND RAPIDS, city charter amended.....
bridge to be built across Wisconsin.....
GRAVES, ISRAEL, right to keep ferry granted .....
GREEN BAY, relating to state road in.....
city charter amended.....
GREEN BAY AND LAKE PEPIN RAILWAY, charte
GREEN BAY AND MANITOWOC PLANKROAD CO
ter repealed.....
GREEN AND GREEN LAKE COUNTIES, relating to l
GREENFIELD, territory detached from.....
GUARDIANS, sale of lands by.....
payment of debts by, amendment.....
GUTTERS, villages authorized to build and repair.....

H.

HARTZHEIM, Frank, official acts legalized.....
HEKLA FIRE INSURANCE COMPANY, time of mee
HIGH SCHOOLS, how stock of transferred.....
HIGHWAYS AND BRIDGES, act relating to amended..
HIGHWAYS, public, jurisdiction of in certain cases....
town supervisors may lay out.....
HOMESTEADS, when not exempt.... .....
HORTICULTURAL SOCIETY, STATE, act to incorpor
HOSPITAL FOR INSANE, Madison, appropriation to..
Northern, appropriation to.....
HOSPITAL FOR INDIGENT, towns may maintain.....
HOWE, WILLIAM, to maintain ferry.....
HUDSON, right of ferry across Lake St. Croix.....
to issue bonds for railroad company .....
HUSBAND AND WIFE, how to recover damages for in

I.

ILLUMINATING PURPOSES, oils for, sale regulated...
IMPROVEMENT COMPANY, to have lien upon lumber
Embarrass River, act repealed .....
Fox and Wisconsin, settlement of claim.....

IMPROVEMENT OF YELLOW RIVER, for log driving 16
INCORPORATED CITIES, etc., annexing of territory provided for.... 511
INCORPORATED COMPANIES, certain rights granted to 174
INCORPORATED VILLAGES, authorized to build sidewalks, etc..... 154
to lay out streets, etc..... 601
INCORPORATION OF VILLAGES, acts relating to 47, 340
INDECENT EXPOSURE, of person, act to prevent..... 584
INDEX, of laws, additional copies provided for 96
INDIGENT, towns may maintain hospital..... 187
INDUSTRIAL SCHOOL FOR BOYS, management of, act amended.. 137
appropriation to 14
INJURY, to person of wife, how damages recovered..... 123
INLAND LAKES, relating to catching fish in 36
INSANE, Hospital for, Madison, appropriation to..... 11
Northern Hospital, appropriation to 12, 57
INSTITUTE, for education of blind, appropriation to 22
for education of deaf and dumb, appropriation to 104
INSTITUTIONS, act relating to taking land amended 54
INSURANCE COMPANY, Odd Fellows Mutual Life, amendment 87
Hekla Fire, time for annual meeting changed..... 151
town, act for formation of amended..... 466
fire and inland navigation, act amended..... 649
INTOXICATING LIQUORS, act relating to sale of amended..... 486
license for, in Stevens Point..... 618
INVALID TAX CERTIFICATES, relating to, in St. Croix county..... 575
INVESTIGATING COMMITTEE, joint, payment of witnesses..... 518
IOWA COUNTY, to settle railroad bond indebtedness..... 418
IRISH, J. E., appropriation to.....26, 590
ISLANDS in Marquette county, appropriated for bridges..... 425

J.

JACKSON COUNTY AGRICULTURAL SOCIETY, tax levied for.... 38
JANESVILLE, relating to license moneys, amendment..... 39
increased levy of tax authorized..... 585
JOHN, WILLIAM, act as assessor legalized..... 27
JOINT INVESTIGATING COMMITTEE, payment of witnesses..... 518
JOINT RESOLUTIONS of legislature..... 661
1—for improvement of Menomonee river..... 661
2—for appointment of claim agent, Indian reservation..... 661
3—relating to postal service..... 662
4—ratifying amendment to constitution relating to municipal debts. 663
5—relating to remains of Alexander W. Randall..... 663
6—for improvement of St. Croix lake..... 664
JOINT SCHOOL DISTRICTS, how apply for trust fund loan 85
JOURNALS, size of page fixed..... 19
JUDGES, circuit, salaries increased 89
of supreme court, salaries increased..... 642

JUDGMENTS, how collected against disorganized villa
what to be in lien cases.....
JUSTICES' JUDGMENTS, relating to appeals from....
JUSTICES OF THE PEACE, courts held by, act amen

K.

KELLOGG, LA FAYETTE, appropriation to.....
KELSEY, C. S., appropriation to.....
KENOSHA, city charter amended.....
KICKAPOO CENTER, state road laid from.....
KOPFF, THOMAS, appropriation to.....

L.

LA CROSSE, act to incorporate, amended .....
LA CROSSE AND MINNESOTA BRIDGE COMPANY
bridge.....
LA FAYETTE, territory attached to town of.....
LAKES, act relating to catching fish amended.....
LANDS, taking of, for public institutions, amendment .
relating to sale of, for unpaid taxes..... .
LAND GRANT, conferred upon railroad company.....
LANDMARKS, permanent, amendment.....
LAW DEPARTMENT, graduates to be admitted to prac
LAWS, what style of to be.....
LEBANON, relating to drainage fund in.....
LEGACIES, of deceased persons, relating to.....
LEGALIZED, official acts of officers in Fountain City...
acts of supervisors of towns Ettrick and Gale.....
official acts of William John, assessor.....
action of board of supervisors of Dunn county .....
publication of unredeemed lots in Alma.....
publication of notices of election in certain counties
acts of L. Wachenheimer as notary public.....
acts of Bernard McCabe as assessor of town of Chilto
acts of Leonard F. Whelock, as justice.....
acts of trustees of Baptist church, Randolph .....
acts of Mullen and Hartzheim, justices.....
equalization of taxes in Shawano.....
acts of town officers of Flintville .....
returns of William Morris as county clerk.....
LEGAL DECISIONS, publication of, amendment.....
LEGISLATIVE MANAUL, act relating to amended ....
purchase of provided for ....
LEGISLATURE, relating to contested seats in ... .
LETTER PRESS COPIES, service of illegal.....

LEVEE, on Wisconsin river provided for 464
LICENSE MONEYS, relating to in certain cases..... 581
villages and towns in Dane county to pay over..... 656
LICENSE, relating to in Stevens Point..... 613
LIEN, on lumber, by improvement companies..... 99
judgment on of mechanics 124
upon logs, amendment..... 183
LINCOLN, territory attached to town of..... 52
LIQUORS, intoxicating, relating to sale of, amendment..... 486
LISTS, of members and officers of legislature..... 3
of lands, how publication to be made..... 41
LOCAL LEGISLATION, act requiring notice of repealed..... 572
LOG-DRIVING, Yellow river to be improved for..... 16
LOGS, relating to driving of in Yellow river 174
who made defendants in lien suit 183

M.

McALLISTER, Robert, restored to citizenship..... 125
McCABE, BERNARD, official acts legalized..... 178
McGUIRE, PATRICK, to establish ferry..... 403
MADISON, board of education to borrow money..... 22
municipal court provided for 139
city charter amended..... 284
MANITOWOC, building of bridge authorized 9
city charter amended 471
county, relating to swamp lands 450
MANUAL, secretary of state to cause printed 97
Legislative, purchase of provided for 119
MANUFACURING COMPANIES, act for organizing amended..... 18
MARATHON COUNTY, change of terms of circuit court 160
MARQUETTE COUNTY, islands appropriated for bridges..... 425
MARSHALL, town of, state road to be laid to..... 606
MARTIN, MORGAN L., settlement of claim of 562
MEMBERS AND OFFICERS, of legislature, list of 3
MEMORIALS TO CONGRESS, ETC..... 667
1—for land grant for railroad..... 667
2—for increase of mail service, Chippewa Falls. 667
3—for tri-weekly mail from Easton to Kiel..... 668
4—for Niagara ship canal 668
5—for increase of mail service, Neillsville..... 669
6—geological survey of Wisconsin..... 670
7—in relation to lake commerce 670
8—for increase of mail service from Pewaukee 671
MILEAGE, when officers entitled to..... 149
MILITIA, for better organization of 458
MILWAUKEE AND ST. PAUL RAILWAY COMPANY, land grant conferred..... 406
MILWAUKEE AND MENOMONEE PLANKROAD COMPANY, charter repealed..... 420

STATE PRISON, appropriation to .....
management of changed.....
STATE ROAD, through Ashland, Chippewa and Eau C
from village of Embarrass.....
from Green Bay to Depere .....
in Vernon and Richland counties.....
STATE SUPERINTENDENT, act relating to, amende
STATE TAX, levy of, for 1873.....
STATISTICS, of crime, furnishing of, by clerk of court
of exempt property, to be reported.....
of sales of real estate, to be reported .....
STEVENS POINT, relating to board of review, act rep
city charter amended .....
relating to license for selling liquors .....
STEVENS POINT BOOM COMPANY, to maintain p
STEWART, JOHN, authorized to build dam.....
STOCK, railroad, rights of towns and cities holding ...
STREETS, incorporated villages to lay out .....
STURGEON BAY AND LAKE MICHIGAN SHIP
HARBOR COMPANY, issue of bonds.....
SUFFRAGE, act relating to deserters repealed .....
SUMMONS, relating to certificate of service.....
SUPERINTENDENT, of public property, appropriatio
of county poor, relating to election of .....
SUPERIOR AND ST. CROIX RAILROAD COMPA
with Douglas county.....
SUPERVISORS, town, authorized to construct drains .
SUPREME COURT, admission of law graduates to pr
salaries of judges increased.....
reports of, act for distribution amended .....
SWAMP LANDS, act relating to amended.....
price of reduced in Monroe county .....
price of reduced in Columbia county .....
appropriated for bridge purposes.....
sale of in certain counties.....
how drainage expended in town of Burke.....
drainage of in Brown county.....
SYCAMORE BAPTIST CHURCH, name changed....
SYNOPTICAL INDEX, additional number provided f

T.

TAXATION, act relating to assessment of property ame
of telegraph companies, act amended.. .....
TAX CERTIFICATES, relating to sale of lands for unp
invalid, relating to in St. Croix county .....
TAXES, act relating to collection of amended.....
collection of, how enforced .....
TAX LIST, delinquent, relating to publication of .....
TAX SALES, notice of to be published in English.....

TAYLOR'S COMPILATION, purchase of provided for..... 13
TAYLOR, ALBERT, to maintain ferry 109
TAYCHEEDAH, official acts of board of health legalized..... 416
TELEGRAPH COMPANIES, relating to taxation of..... 481
TERRITORY, how annexed to towns, cities, etc..... 511
THOMAS, WILLIAM A., act relating to bridge amended 125
TIMBER, wrongful cutting of, measure of damages..... 586
TORINUS, LOUIS E., authorized to build dam..... 596
TOWN CEMETERIES, act for organization amended..... 596
TOWN INSURANCE COMPANIES, act for formation amended 406
TOWN MEETING, special, provided for in Waterloo..... 8
TOWN TREASURERS, duties in relation to swamp lands 89
TOWNS, may maintain hospital for indigent..... 187
TOWNS, CITIES AND VILLAGES, how united..... 511
rights relating to railroad stock..... 559
TRANSACTIONS OF STATE HORTICULTURAL SOCIETY, act amended 29
TREDWAY, W. W., appropriation to..... 142
TROUT, brook, time for catching in certain counties 186
TRUANT SCHOOLS, how organized..... 599
TRUSTEES, OF VILLAGES, may build sidewalks and gutters..... 154
TRUST FUNDS, to be loaned to Madison 22
to facilitate collection of..... 85

U.

UNITED STATES CONVICTS, to be received at state prison..... 440
UNIVERSITY, STATE, law graduates to be admitted to practice..... 417
UNIVERSITIES, how stock of transferred..... 645
UNPAID TAXES, relating to sale of lands for 213
UNREDEEMED LANDS, village of Alma, publication legalized..... 51

V.

VERNON COUNTY, special tax for county road 593
certain parties exempt from actions 694
VILLAGES, act to incorporate amended..... 47, 340
trustees of to build sidewalks..... 154
how united with towns, etc..... 511
incorporated, authorized to lay out streets..... 601
in Dane county to pay over license moneys..... 656
VISITING COMMITTEE, of the state, appropriation to..... 26
VOTES, return and canvass of, how made..... 136

W.

WACHENHEIMER, LEOPOLD, acts as notary legal
WAGGONER, J. H., appropriation to.....
WAGON LANDING CEMETERY ASSOCIATION,
WAR CLAIM, settlement of, with state agent.....
WASHINGTON COUNTY, circuit court reporters pr
WATERLOO, special town meeting provided for. ...
WASTE, statute relating to, amended.....
WAUKESHA COUNTY, protection of fish in.....
WAUSAU, city incorporated.....
WAUSAU BOOM COMPANY, act relating to amend
WEBSTER'S DICTIONARY, purchase of provided fo
WEIGHTS AND MEASURES, of grains, etc., fixed..
WEISS, G. E., appropriation to.....
WEST WISCONSIN RAILWAY COMPANY, to rel
WHELOCK, LEONARD F., acts as justice legalized
WILCOX, J. B., authorized to maintain ferry.....
WINNEBAGO COUNTY, terms of circuit court fix
WISCONSIN ODD FELLOWS' INSURANCE
amended .....
WISCONSIN STATE HORTICULTURAL SOCIET
act amended.....
WISCONSIN STATE AGRICULTURAL SOCIETY
WITNESSES, payment of certificates in criminal case
payment of before joint investigating committee..
WOLF RIVER, bridge authorized.....
improvement of provided for.....
WOOD COUNTY, to build bridge.....
relating to issue of railroad bonds.....
WORTH, C. M., to erect boom... .....

Y.

YELLOW RIVER, improvement of for log driving...
certain rights granted..... .....
YOUNG, CHARLES H., appropriation to.....
YOUNG, E. W., appropriation to.....
YOUNG MEN'S ASSOCIATION, Janesville, act relat